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THE ADMINISTRATION OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS, 1945-1962

NILES RUSSELL GOODING

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AN ABSTRACT

of

THE ADMINISTRATION OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS, 1945-1962

by

Niles Russell Gooding, Jr.
//

Submitted to the

Faculty of the School of International Service

of The American University

in Partial Fulfillment of

the Requirements for the Degree

of

MASTER OF ARTS

August 1962

A THESIS

by

THE ASYMPTOTICITY OF THE TAYLOR EXPANSION
OF THE RECIPROCAL GAMMA, 1/Γ(1+z)

by

Allen Roswell Gowdey, Jr.

Submitted to the
Faculty of the School of Interdisciplinary Studies
of The American University
in Partial Fulfillment of
the Requirements for the Degree
of
MASTER OF ARTS

August 1969

ABSTRACT

A study of the evolution of the jurisdiction and administration of the remote Trust Territory of the Pacific Islands from its inception to the present. The roles of the Department of the Interior and the Navy in the area of Micronesia since World War II are considered along with the development of policy responses to the ex-Japanese Mandated Islands. In view of the ever-increasing criticism in the United Nations about United States stewardship in the Trust Territory, much discussion is devoted to this vexing problem. The overall record of progress toward the goal of self-government for the inhabitants of the Trust Territory is evaluated and comment made about the prospects for the future. New developments which portend substantial changes in the administration of the Islands are considered in some detail. Finally, a summary analysis indicates some of the courses of action which may be taken to improve both the position of the islanders and the Administering Authority, the United States.

Summary

A study of the evolution of the jurisdiction and administration of the Swiss Coast Territory of the Pacific Telegraph from its inception to the present. The roles of the Department of the Interior and the Army in the area of discussion since World War II are considered along with the development of policy responses to the ex-Japanese Economic Interests. In view of the ever-increasing criticism in the United States about United States Coast Territory, much discussion is devoted to this vexing problem. The overall history of problems encountered and decisions made about the prospects for the future, the developments which produce substantial changes in the administration of the Islands are considered in some detail. Finally, a summary analysis includes some of the courses of action which may be taken to improve both the position of the Islanders and the Administering Authority, the United States.

THE ADMINISTRATION OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS, 1945-1962

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PREFACE

This study deals with the scattered, but significant (those responsible for America's defense posture in the Free World might use the adjective "vital"), area of the Trust Territory of the Pacific Islands--the scattered islands of Micronesia spreading across the Central Pacific. Formerly mandated to Japan, these groups of islands were placed under the United Nations Trusteeship System following World War II with the United States as the Administering Authority.

While the Trusteeship System has run its full course in regard to most territories, it seems probable that the islands of Micronesia may remain under trusteeship for an increasingly embarrassing length of time. This paper focuses broadly upon this contemporary problem in an attempt to arrive at an evaluation of present policies and to suggest some alternative courses which might be explored. The United States appears to be in a position where it cannot let the Trust Territory go and, yet, cannot continue it as it exists today.

To gain perspective on this area, it is essential to understand the role of the Interior Department and the Navy in the Trust Territory since the war, the development of policy within the government, the problems connected with review of United States administration by the Trusteeship Council of the United Nations and the overall record of progress toward the goal of self-government for the inhabitants of the Trust Territory.

It is lamentable, but true, that the area of Micronesia has been somewhat neglected by students of colonial administration in the past. This paper will attempt to shed some light on problems which have now almost forced their way into view.

Although an earlier cut-off date had been planned, the significant changes, which took place in the Trust Territory recently, necessitated a cut-off date of August 1, 1962. The reasons for the choice of this date will become evident as the reader progresses through the thesis.

Credit for the idea of a study on the Trust Territory of the Pacific Islands must be given to Professor Robert R. Robbins, Professor of Government at Tufts University. His help and encouragement in the preparation of an earlier study on the Northern Marianas was of inestimable value in the preparation of this paper.

The unexcelled opportunities in the Washington area for research in the field of Micronesia must be mentioned. In this regard, the dedicated members of the staff of the Library of Congress were more than kind.

The assistance of Dr. John L. Taylor, Consultant on Territorial and Indian Affairs to the House Committee on Interior and Insular Affairs is very gratefully acknowledged. His efforts to provide material and encouragement all along the line will not be forgotten. Particularly helpful were interviews with Congressman Wayne N. Aspinall (D-Colorado) and Congressman John P. Saylor (R-Pennsylvania), ranking members of the Committee on Interior and Insular Affairs, Commander Chester E. Herrick, U. S. Navy of the Office of the Chief of Naval

Operations (OP-09), Mr. Curtis Cutter, Office of Political and Security Affairs (UNP), Department of State, and Mr. Delmas H. Nucker, former High Commissioner of the Trust Territory of the Pacific Islands and now Chief of the Division of Insular Affairs, Department of the Interior. The generosity of these officials both in matters of time and ideas is appreciated.

To Mr. Calab Udui of Palau, at present on the staff of the Office of Territories, Department of the Interior, my sincere gratitude for his reflective comments on this thesis. The Trust Territory of the Pacific Islands will most certainly profit from his maturity and ability in the formative years to come.

Finally, one should mention the advice so readily available from the members of the student's committee, Professor Mary E. Bradshaw and Professor Durward V. Sandifer of The American University. Without their penetrating review, this paper, in its present form, would not have been possible.

Although the subject dealt with may hold a special interest for an officer in the United States Navy, the author, as such, had no service-connected background knowledge of it before embarking upon the study and had no axe to grind. The conclusions reached have been based on recent study and in no way are to be construed as official views of the Navy Department. It goes without saying that any errors of commission or omission are the author's own.

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CHAPTER I

AN OVERVIEW OF THE TRUSTEESHIP SYSTEM OF THE UNITED NATIONS WITH PARTICULAR EMPHASIS ON ITS GOALS AND FUTURE

I. INTRODUCTION

Before focusing specifically on the central subject of this paper, the Trust Territory of the Pacific Islands, it would appear desirable to afford the reader a brief sketch of the Trusteeship System of the United Nations. In the process of doing this, the niche occupied by the Trust Territory, our "sacred trust" in Micronesia, will be shown in proper perspective.

The system once encompassed eleven territories under the administering authority of the United Kingdom, Belgium, France, New Zealand, Australia, Italy, and the United States. Today, only the United States and Australia remain as "Administering Authorities." In addition to the sharpened focus that this evolution places on the policy of these two countries toward their "trust," there will be at least two problems of significant magnitude which will have to be faced by the Trusteeship Council: (1) as the trusteeships under the cognizance of the Trusteeship Council decline in number, a change in the organization and procedures of the Council may become necessary; (2) the goal of independence for such areas as Nauru, New Guinea, and the Trust Territory of the Pacific Islands may not be feasible in the foreseeable future.

CHAPTER I

AN OUTLINE OF THE CONSTITUTIONAL STATUS OF THE PUBLIC

SERVICE AND PROFESSIONAL ORGANIZATIONS

IN CHILE AND ABROAD

I. INTRODUCTION

Certainly it is an optimistic one. Therefore, a change in this expressed goal of trusteeship might be considered for these areas.

II. THE SAN FRANCISCO CONFERENCE

At the United Nations Conference on International Organization at San Francisco in 1945, the principles of "sacred trust" and "international accountability" were afforded a hearing in a sympathetic and conciliatory atmosphere. It was recognized that the aspirations and advancement of the millions of people in dependent territories was of immediate international concern and an integral part of any proposals for an international organization which would foster peace and security.

At Yalta, President Roosevelt, Prime Minister Churchill, and Marshall Stalin had agreed that consideration should be given to the establishment of machinery for trusteeship which would apply only to mandates of the League of Nations, territory detached as a result of World War II and such other territories as would be voluntarily placed under it.[1] In the process of implementing this agreement at the San Francisco Conference, proposals on trusteeship were presented by the United States, France, China, Australia, and the United Kingdom.[2] A

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[1]See Ralph J. Bunche, "Trusteeship and Non-Self Governing Territories in the Charter of the United Nations," U. S. Department of State Bulletin, Vol. XIII, pp. 1037-1044; and Elizabeth H. Armstrong and William I. Cargo, "The Inauguration of the Trusteeship System of the United Nations," U. S. Department of State Bulletin, March 23, 1947, p. 3 for a complete analysis.

[2]Charmian Toussaint, The Trusteeship System of the United Nations (New York: Frederick A. Praeger, Inc., 1956), p. 20; see also Postwar

[illegible]

[illegible]

[illegible]

synthesis of these five papers resulted in a final draft which was subsequently approved by the Conference.

It is interesting to note that the political objectives outlined in the various proposals were the cause of much debate. Some delegations advocated independence as the goal of all dependent peoples. Other delegations were of the opinion that some territories, because of lack of resources, could never attain full independence. The United States proposal advocated only self-government as a goal with the implication that independence would quite naturally come about for those peoples who were capable of its responsibilities. The British, taking a somewhat similar position, held that the degree of self-government would vary considerably because of cultural development, degree of civilization and the like.[3] A compromise of sorts was reached by providing for both goals of independence and self-government.[4]

In retrospect, this compromise has been quite significant as the growing temper of anti-colonialism, which could hardly be envisaged in 1945, has fostered the belief that independence alone is a proper and just goal for dependent peoples. Although it is naive to suppose that this evolution would never have occurred had the goal of trusteeship remained self-government (with independence implied but not stated), it

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Foreign Policy Preparation, 1939-1945 (Washington: U. S. Government Printing Office, 1950), pp. 428-450.

[3]James N. Murray, Jr., The United Nations Trusteeship System (Urbana: The University of Illinois Press, 1957), p. 34.

[4]See Article 76, Charter of the United Nations.

can be properly asked whether the change of mood toward a consensus among the underdeveloped countries that full independence was a "right" regardless of existing conditions would have been quite so rapid. In addition, one can speculate as to the reason for the lack of specific provisions in the Charter for the administration and care of a trust territory having little capacity for self-government and, relatively speaking, none for meaningful independence. But this bespeaks the paradox; frequently one must deal with less than the ideal or seemingly rational in the field of international relations. However, one is compelled to note that when considering the problem of non-self-governing territories (areas which, in general, could be considered more viable than many proposed trust territories), this same Conference approved as an objective only "self-government."[5] In addition, under the League of Nations Mandate System, "independence" was not established across the board as a goal for all Mandates but, rather, was restricted to only those considered capable of this status. If more restrictive, this policy, nevertheless, appears now to have been more realistic than the setting down of seemingly unattainable goals.

Be that as it may, the Conference did, in fact, establish goals of self-government and independence; Chapters XII and XIII of the Charter were completed and the actual formation of a system for international supervision of dependent territories became imminent.

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[5]U. S. Congress, Senate, Committee on Foreign Relations, The United Nations and Dependent Territories, 84th Congress, 1st Session, Staff Study No. 9, p. 4.

G. W. Corcoran, Jr., Comment on Foreign Corruption, The Public Policy Issues and Corporate Initiatives, 11th Conference, Int. Business Ethics, 1990, p. 2.

Although agreement had been reached on the framework of trusteeship organization, it is stating the obvious to note that the first order of business had to be the negotiation of some trusteeship agreements to bring into being trust territories. This was accomplished on December 13, 1946, when, by resolution, the General Assembly, in accordance with Article 85 of the United Nations Charter, approved the terms of trusteeship agreements for New Guinea (Australia); Ruanda-Urundi (Belgium); Cameroons (United Kingdom); Tanganyika (United Kingdom); Togoland (United Kingdom); Cameroons (France); Togoland (France); and Western Samoa (New Zealand).[6] This act also, by its very nature, established the Trusteeship Council.

Under the provisions of Article 82 of the United Nations Charter, the United States on February 26, 1947, submitted the text of a "strategic" trusteeship agreement to the Security Council. This strategic concept was a recognition of special circumstances whereby an area was considered to be of such vital importance to security that ordinary provisions of trusteeship could not apply. Under Article 83, the Security Council was to be responsible for all functions relating to strategic areas. As a practical matter, however, the Security Council has delegated all functional tasks to the Trusteeship Council. On April 2, 1947, the Council approved this strategic agreement for the

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[6]U. S. Congress, Senate, Committee on Foreign Relations, A Decade of American Foreign Policy, 81st Cong., 1st Sess., Sen. Doc. No. 123, (Washington: U. S. Government Printing Office, 1950), p. 1025.

former Japanese Mandated Islands; the Trust Territory of the Pacific Islands was a reality.[7]

On November 1, 1947, the General Assembly approved a trusteeship agreement for the former mandate of Nauru. Although this agreement provided for joint administration by Australia, New Zealand, and the United Kingdom, most authorities held that, because Australia exercised the administration of the trust territory under Article 81, she was, in fact, the Administering Authority as provided for in the Charter.[8]

As Article 81 did not specify that an Administering Authority must be a member of the United Nations, it was held that Italy could be authorized to take under its protection its former colony, Somaliland. As will be recalled, Italy did not gain admission to the United Nations until December 1955. On November 21, 1949, the General Assembly proposed placing Somaliland under the United Nations trusteeship system with Italy as Administering Authority for a ten-year period.[9] This time limit, rather than being an analytical computation based on economic growth et al, was more of a political decision and reflected, to some extent, Italy's past role as an unsuccessful participant in World War II.

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[7]See U. S. Department of State, Postwar Foreign Policy Preparation, 1939-1945 (Washington: U. S. Government Printing Office) pp. 428-434 for an analysis of the United States position on trusteeship.

[8]See Toussaint, op. cit., pp. 97 and 207 for a complete discussion of this point.

[9]Lawrence Finkelstein, "Somaliland Under Italian Administration: A Case Study in United Nations Trusteeship" (New York: Woodrow Wilson Foundation, 1955), p. 3.

After a particularly acrimonious debate of many months in the General Assembly, the agreement was approved on December 2, 1950. The Trusteeship Council now had under its cognizance eleven trust territories. (The strategic Trust Territory of the Pacific Islands is included in this number due to the Security Council's delegation of supervision to the Trusteeship Council.)

III. THE TRUSTEESHIP COUNCIL

Working under the authority of the General Assembly, the Trusteeship Council is composed of all states administering trust territories, permanent members of the Security Council not administering trust territories, and as many other members as may be necessary to ensure that the number of members on the Trusteeship Council is equally divided between those members of the United Nations which administer trust territories and those which do not.[10]

Although the Charter specifies that the Trusteeship Council has responsibility only for the formulation of a questionnaire on political, economic, social, and educational advancement of trust territories which provides the source of annual reports of the Administering Authorities, the scope of the Council has been enlarged to include, in actual practice, the review of petitions, annual reports, and the dispatching of Visiting Missions to the trust territories. As might be expected, the Council can make only recommendations to Member States.

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[10]See Article 86, Charter of the United Nations.

Although some questions were raised as to the legality of the procedure, the Trusteeship Council established two standing committees, the Committee on Administrative Unions (1950) and the special Petitions Committee (1952).[11] Although no provisions are made for such subsidiary organs in the Charter, the fact that the Council proceeded as if it possessed the authority resulted in a fait accompli of sorts, and it is doubtful if its right to do so would be challenged today. The argument has actually become academic as the Committee on Administrative Unions was dissolved on June 13, 1961, and the Petitions Committee was recently disbanded on June 4, 1962.

Representatives on the Trusteeship Council, although assumed to have some knowledge of the areas in question, are not independent technical experts as was the case in the League Mandates Commission.[12] Political overtones, therefore, tend to dominate the proceedings of the Council; this is particularly true in regard to the all-encompassing issue of colonialism. No value judgment is implied at this juncture. Rather, only acknowledgment of anti-colonialism as a most significant aspect of trusteeship is intended.

Annual reports submitted to the Trusteeship Council by the Administering Authorities in accordance with the Council questionnaires are periodically reviewed and a report, based on this review, is forwarded to the General Assembly. It is difficult to overemphasize the

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[11]Toussaint, op. cit., pp. 176-177.

[12]U. S. Congress, Senate, Committee on Foreign Relations, The United Nations and Dependent Territories, op. cit., p. 6.

importance of these reviews. Coupled with the information provided by Visiting Missions and petitions from the peoples of the territories, the annual reports provide the core of the trusteeship system, permitting all parties to express and defend their views on existing or forecast problems.

IV. PARTIAL FULFILLMENT OF THE GOALS OF TRUSTEESHIP

As a measure of the success of the trusteeship system, it should be noted that eight of the original eleven trust territories are no longer under the Trusteeship System. This has not been accomplished without difficulties nor can it be said that further problems are unlikely.

The first trust territory to achieve the basic objectives of trusteeship was Togoland which, under the auspices of the United Kingdom, joined with the Gold Coast to form the State of Ghana on March 6, 1947.[13] The Cameroons under French administration became the Republic of Cameroun on January 1, 1960; French Togoland became the Republic of Togo on April 27, 1960. Although on January 6, 1960, a representative of the United Nations Mission to Italian Somaliland voiced deep concern about economic conditions faced by Somaliland, it was determined that independence should not be delayed. Accordingly, Somalia came into being on July 1, 1960. On June 1, 1961, the northern section of the British

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[13]The International 1961 Yearbook (New York: Funk and Wagnalls, Co., 1961), p. 445. The explanatory information in this section is a synthesis of this Yearbook; The New York Times, Facts on File 1957-1962; and Political Handbook of the World (New York: Harper and Brothers, 1961).

[illegible] Democrats at their party [illegible]. Despite [illegible] Plenty and Democracy, [illegible] economic [illegible] Democrats [illegible] party [illegible] Democrats [illegible] party [illegible] Democrats [illegible] party

Cameroons attained its independence by joining the independent Federation of Nigeria. Although Nigeria had indicated some desire to absorb the Southern Cameroons, the people of this larger portion of the trust territory decided otherwise and, on October 1, 1961, it became the western province of the Republic of Cameroun. Tanganyika under British administration attained internal autonomy in September, 1960, and attained independence on December 9, 1961. In the Pacific, Western Samoa under New Zealand administration has had internal self-government since 1960 and attained its independence on January 1, 1962. It still retains close ties with New Zealand, however.

Ruanda-Urundi has had a checkered career. One cannot help but speculate as to the effect of the Congo dilemma on the movement of Ruanda-Urundi toward independence. Certainly it slowed progress to some extent. However, in spite of difficulties, it became independent on July 1, 1962, as two separate countries, Burundi and Rwanda. With the movement of Ruanda-Urundi out of the Trusteeship System, only three isolated Trust Territories remained, New Guinea, Nauru, and the Trust Territory of the Pacific Islands. Their future status is far from clear.

V. THE SQUARE PEGS OF TRUSTEESHIP

The Trust Territory of New Guinea encompasses an area of 93,220 square miles with a population of approximately 2 million. Joined with the Australian dependency of Papua in an administrative union, it makes up the eastern half of the island of New Guinea with West New Guinea (West Irian), under Dutch control, making up the western portion. In addition, the New Guinea trust includes the islands of the Bismark

Archipelago and the two northernmost islands of the Solomons Group. The area is tropical and very mountainous. Indigenous languages number in the hundreds. Mineral resources, including some gold, lend themselves to further development. However, only the most optimistic proponent of increased responsibility for dependent peoples could forecast either self-government or independence in the near future. This is not surprising when one considers that a large part of the population live under near Stone Age conditions. Responsible officials talk in terms of at least another generation even for self-government. Be that as it may, the Trusteeship Council has repeatedly suggested that target dates be set for political, social, and educational development, as well as eventual self-government and independence for the trust territory.

The mid-Pacific atoll of Nauru remains as even more of a problem. Some indication of its possibilities for self-government or independence can be gained from the fact that its population numbers only 2,497 and its area covers only eight square miles. Phosphate is almost the sole asset of the island, and reserves of this will be exhausted in approximately thirty years. Already the Australian Government is looking for a resettlement location.

With these facts in mind, it becomes difficult to envisage any meaningful implementation of the Charter as regards self-government or independence for Nauru. It should be noted, however, that Mr. Hammer de Roburt, head chief of the Nauruans, made such a plea before the

latest session of the Trusteeship Council.[14] Whether the hard facts of economics will make such a status almost impossible to attain can be argued.

Spread over some three million square miles in the Western Pacific is the Trust Territory of the Pacific Islands, the central subject of this paper. Some appreciation of spatial relationships in Micronesia can be gained from the realization that within this vast area (roughly equivalent to the size of the United States) 2141 islands exist. The problems of administration due to transportation difficulties alone are enormous. But the Trust Territory will be considered in detail below. Problems of transportation and communications alone make any consideration of independence in the near future less than meaningful.

VI. THE PROBLEM OF COMPOSITION OF THE TRUSTEESHIP COUNCIL

The decline in the number of trust territories has been outlined and some comments have been made on problems within the remaining ones. Discussion may now be appropriate on the effect of this decline and these problems on the composition of the Trusteeship Council. As has been noted, under Article 86 of the United Nations Charter, the Trusteeship Council consists of: members of the United Nations that administer Trust Territories (now two); permanent members of the Security Council that do not administer Trust Territories (four); and enough other members elected by the General Assembly for three years to ensure that the

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[14] The New York Times, July 8, 1962.

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[1] The New York Times, July 8, 1984.

total number of members of the Trusteeship Council is equally divided between those members that administer trust territories and those that do not (should be two).

The present membership of the Trusteeship Council (10) consists of France, the United States, the United Kingdom, the Union of Soviet Socialist Republics, China, Australia, Belgium, New Zealand, Bolivia, and India. Therefore, in terms of the Charter, the Council is improperly constituted; at best, only eight members should be permitted. However, France and the United Kingdom, although no longer Administering Authorities, qualify for membership as permanent members of the Security Council. If the Trusteeship Council maintains a membership of ten for 1962, it will continue to be in violation of the Charter. However, if the membership should be reduced to four, the principle of parity and the principle of the inclusion of the members of the Security Council in the Trusteeship Council will clearly be in conflict. The Council, therefore, is on the horns of a dilemma. If 1961 is any indication (twelve members were authorized but membership totaled thirteen), the Trusteeship Council will maintain its present levels. The General Assembly, at its 979th plenary meeting on April 7, 1961, decided to retain its membership at thirteen.[15]

This exercise in addition and subtraction is included to demonstrate both the success story of the Trusteeship Council and, at the same time to point out some of the many problems which will crop up as

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[15]U. N. Doc. A/4684/Add. 1.

efforts are continued to find ways to bring New Guinea, Nauru, and the Trust Territory of the Pacific Islands along the road to fulfillment of the goals of trusteeship.

VII. THE GOALS OF TRUSTEESHIP

Another side of the coin of diminishing numbers of territories is the question of the applicability of the present goals of trusteeship to such areas as Nauru, the Trust Territory of the Pacific Islands and, for the foreseeable future at least, New Guinea. Self-government or independence is still the objective of all trusteeships. Even this statement must be qualified to reflect the fact that self-government and independence are treated by many members of the Trusteeship Council as one and the same thing; some members consider only independence as a proper goal. With these attitudes in mind, one needs to ask if the three areas in question can ever qualify and whether the two Administering Authorities will not be placed in a most awkward and embarrassing position when attention is primarily focused on their efforts to attain the objectives provided for in the Charter?

Certainly it is conceivable that, in the future, New Guinea could reach a level of competence either by unification with Papua and West New Guinea or with Papua alone so that independence might be possible. The Trust Territory of Nauru holds little hope for independence. The Trust Territory of the Pacific Islands holds scant promise for independence. The problems of communications are overwhelming; furthermore, there is little evidence that the people even desire such a status.

From the foregoing discussion, several considerations seem to flow: First, the very keystone of the Trusteeship System, the objectives, do not appear to reflect a true picture of reality today. Independence does not appear likely for the soon-to-be remaining territories for a considerable period, if ever. Also, setting an unrealistic goal for the Administering Authorities can only result in embarrassment, irritation and, conceivably, some lessening of concern for the actual welfare of the dependent peoples, as the Member States, through United Nations pressure, are pushed too rapidly to achieve the objectives of trusteeship. With this in mind, it might be maintained that a revision of Article 76 of the Charter to provide for "self-government" instead of "self-government or independence" could be considered by the United Nations.

In addition, considering that the number of Administering Authorities has been reduced to only two States, there are those who maintain that such territories as New Guinea, Nauru, and the Trust Territory of the Pacific Islands, in view of their continuing dependent status, would be managed better by the United Nations under Article 81 of the Charter rather than by Australia and the United States who, because of unrealistic goals would be under constant fire to progress ever more rapidly. There is some merit in the idea of a United Nations Commission of international civil servants, knowledgeable in trusteeship matters, managing the affairs of dependent areas not capable of sustaining themselves. This bears some similarity to the League of Nations system.

The reaction of Australia and the United States to such a proposal cannot be stated, of course, with any degree of certainty. However, the reaction would probably be a negative one. There is little evidence that the peoples of these areas would welcome such an arrangement; there is even less indication that either Administering Authority would be willing to give up certain rights attendant to their stewardship.

Other alternatives are open, however; and, although the final status of Nauru and New Guinea are beyond the scope of this paper, the status of the Trust Territory of the Pacific Islands will be its main concern. To a more complete discussion of this vast area, we now turn.

CHAPTER II

THE PROBLEM AND ITS BEGINNING

I. BACKGROUND AND HISTORY

Consideration of problems relating to United States administration of the Trust Territory of the Pacific Islands invites attention to certain inescapable facts: (1) land areas are small and spread over a large ocean area; (2) a common language, culture, tradition, or feeling does not exist at present; and (3) economic resources are meager at best. Those who are familiar with the Pacific Islands are abundantly aware of the spatial nature of the Trust Territory and the tremendous problem of communication. The Caroline and Marshall Islands and all of the Marianas, except Guam, are referred to officially as the Trust Territory of the Pacific Islands.[1] As has been noted, this vast area covers three million square miles, about the size of the United States or Australia.[2] It has some 96 island units, various small islands or island clusters which number about 2,141 separate islands with a land area of only 687 square miles. By comparison, the State of Rhode Island contains about 1,060 square miles. Sixty-four of the island groups are regularly inhabited.

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[1]See U. S. Department of State, 14th Annual Report to the United Nations on the Administration of the Trust Territory of the Pacific Islands (Washington: U. S. Government Printing Office, 1962); and United Nations Visiting Mission Handbook of Information on the Trust Territory of the Pacific Islands (Guam: Office of the High Commissioner, 1961) for a more complete description of the Trust Territory.

[2]Infra, Appendix T.

CHAPTER II

THE PEOPLE AND ITS ECONOMIC

I. AGRICULTURE AND SUPPORT

Consideration of previous relative to United States administration of the Trust Territory of the Pacific Islands involves certain inescapable facts: (1) land area are mainly one coral atoll large ocean areas (2) a common language, culture, traditions, do not exist at present; and (3) economic resources are meager at best. These are the reality with the United States has customarily aware of the special nature of the Trust Territory and the consequent problems of communication. The Congress and executive branch the nations, except Guam, are contrary to historically as the trust territory of the Pacific Islands.[1] As one keen observer, this west area covers three million square miles, almost the size of the United States or Australia.[2] It has come to island world, carious small islands as islands clustered about Guam, and Micronesia islands with a land area of only 687 square miles. By comparison, the eight of Pacific Island comprise about 1,200 square miles. Sixty-four of the islands groups are regularly inhabited.

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[1] See U. S. Department of State, Fifth Annual Report to the United Nations on the Administering of the Trust Territory of the Pacific Islands (Washington, D. C.: Government Printing Office, 1954); and United Nations Visiting Mission Report on Information on the Trust Territory of the Pacific Islands (New York: Office of the Yice Commissioner, 1951) for a more complete description of the Trust Territory.

[2] Fifth Annual Report, Appendix I.

The Trust Territory is divided into seven Districts: Palau, Yap, Rota, Saipan, Truk, Ponape, and the Marshall Islands. Major population concentrations are found around the administrative centers of these Districts and the population totals approximately 77,913. Extending from latitude 1 degree to 20 degrees north and from longitude 130 degrees to 172 degrees east, the Trust Territory measures 2,700 miles east to west and 1,500 miles north to south. The approximate center of the area falls at Truk in the Carolines. Truk is almost 5,000 miles southwest of San Francisco and 2,000 miles east of the Philippines.

Guam, the southernmost island of the Northern Marianas and also the largest, has been an American possession since 1898 and, therefore, is not a part of the Trust Territory in the political sense, but certainly is in the ethnic, geographic, economic, and social sense.

The term "Micronesian" is frequently used synonymously with "Trust Territory of the Pacific Islands." This is not precisely correct albeit understandable. The many different island groups are subsumed for convenience under the general term "Micronesian" or "People of the little islands," but the inhabitants of the southernmost islands, Kapingamarangi and Nukuoro, culturally are pure Polynesian. It should also be noted that the Gilbert and Ellice Islands are part of Micronesia although not included in the Trust Territory. With these clarifications, the term "Micronesian" will be used frequently to designate all the peoples of the Trust Territory throughout this paper.

The majority of the islands are composed of terraces of coral limestone over a submerged volcanic base. In many instances, hundreds

of miles of ocean separate islands classified as neighbors. Administrative centers are located up to 1,000 miles apart. Not all of the islands are completely flat as witness Agrihan Island (3,166 feet) in the Marianas and Ponape (2,579) in the Eastern Carolines.

The climate of the Trust Territory is tropical with relatively uniform temperatures and barometric pressures. The average temperature is 78 degrees. As might be expected, however, tropical disturbances have caused severe damage on occasion. For instance, typhoons struck in the Marshalls and in the Eastern Carolines in 1957 and 1958 causing widespread damage. But, in general, the climate is healthful with no epidemic diseases--such as cholera, yellow fever, or malaria.

The Micronesian is of medium stature with brown skin and wavy to straight hair. Mongoloid features are more evident in the peoples of the West and Central areas. Australoid characteristics are found in the southwest islands while Polynesian ones occur in many of the low islands groups. As an ethnic group, the Chamorro of the Marianas stands somewhat apart. The old Micronesian base of a fish and gardening economy and an emphasis on ancestral ties was modified by cultural intrustions from Spain, the Philippines, Germany, Japan, and the United States.[3] The name "Chamorro" has been used since early Spanish times and is said to be derived from the Marianas word for a high chief or noble (Chamorri). One notes, however, that the people of Saipan seem to prefer to be known as Saipanese rather than Chamorros.[4]

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[3]Arthur L. Dean (ed.), "Issues in Micronesia" (New York: American Institute of Pacific Relations, 1947), p. 10.

[4]U. S. Department of State, 12th Annual Report to the United

Although there are similarities of an ethnological, linguistic, religious, and social nature among the various groupings, it cannot be held that a common culture ever existed or, indeed, exists today. Variation extends to the language diversity of Micronesia. Nine major languages exist with various regional dialects.

In political and social structure common features do exist. With some few exceptions matrilineal organization has been the pattern. All children inherit land from their mothers. There appear to be no "landless" people. Land, as might be expected, takes an overriding importance as the foundation of prestige and social position.

The area of the Trust Territory was explored by various Spanish and Portuguese explorers during the 16th century. Ferdinand Magellan discovered what is now Guam in 1521 but Spanish rule did not begin until 1668. Gradually the area near Guam was more thoroughly explored and, many years later, in honor of the Queen of Philip IV, Maria Anna, they were named the Mariana Islands. The Portuguese discovered Yap and Ulithi in 1526. Later Spanish explorers exploring these and other nearby islands named the area "Carolina" in honor of Charles II of Spain. The Marshalls were named after English Captain Marshall who made a voyage throughout the area in 1788. With the exception of Guam, which became a regular port of call for Spanish vessels, the rest of the area received little attention until the latter part of the 19th century.

Nations on the Administration of the Trust Territory of the Pacific Islands (Washington: U. S. Government Printing Office, 1960), p. 4.

Beginning on the Quincentennial of the Town Directory of the Peninsula (Hamilton, O., C. Tory Peaker & Printing Office, 1941), p. 6.

The main objective of the Spanish appeared to be the conversion of the natives to the Roman Catholic faith plus the maintenance of orderly government so that Spanish vessels could continue their use of Agana as a food and water stop.

German traders gradually moved into the area and, by 1885, Germany had assumed a protectorate over the Marshalls. In the same year, inroads were made in the Carolines. Spanish opposition, as might be expected, was immediate, and the matter was referred to Pope Leo XII for adjudication. The sovereignty of Spain was confirmed but Germany was awarded substantial rights in the area.

In 1898, after the war with Spain, the United States acquired Guam. Spain, weakened and unable to fulfill its obligation in Micronesia, sold Germany her other Pacific island possessions in 1899. In general, the standard of living of the natives was improved by German administrators who did not attempt to upset the patterns of native culture, but concentrated on economic matters. The outbreak of World War I marked the termination of German influence in the area as the Japanese Expeditionary Squadron moved into Micronesia in October 1914 and a military administration was set up.

On December 28, 1914, a provisional Naval Garrison took over matters of defense and administration, and the islands were ruled in this manner until 1918 when a Civil Administration Department was set up with six administrative stations.[5] However, this department remained

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[5]Luther Harris Evans, "The Mandates System and the Administration of Territories under C Mandate" (Unpublished Ph.D. thesis, Stanford

under the control of the naval forces.[6] As we shall see below, a procedure similar to this was presented to the United States Congress when the islands came under American jurisdiction.

The Germans had governed Micronesia with only twenty-four to twenty-five officials. The Japanese established a comprehensive organization which eventually numbered 944.[7] Local chiefs were permitted to exercise their powers provided there was no interference with Japanese interests. This meant, in reality, that their say in the actual government of the area was minimal. However, a village or town council system was established in 1932 in order to centralize local administration.[8]

On December 17, 1920, the jurisdiction of Japan in the Carolines, Marshalls, and Marianas (except for Guam) was confirmed by the League of Nations which assigned to it a Mandate over these three island groups. After extensive negotiations concerning certain rights the United States claimed on the island of Yap, a treaty with Japan was signed at Washington on February 1, 1922, recognizing the latter's mandate.[9]

The Provisional Naval Garrison was replaced in April, 1922, by the South Seas Bureau under the supervision of the Prime Minister of

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University, 1927), p. 334.

[6]Rupert Emerson and others, "America's Pacific Dependencies" (New York: American Institute of Pacific Relations, 1949), p. 110.

[7]Tadao Yanaihara, Pacific Islands Under Japanese Mandate (London and New York: Oxford University Press, 1940), p. 259.

[8]Ibid., p. 262.

[9]See Evans, "The Mandates System and the Administration of Territories under C Mandate," op. cit., pp. 343-346 for a complete discussion.

Japan. Political affairs continued under the direct control of the Japanese.[10] Although fortifications were forbidden under the provisions of the League of Nations, the Japanese began to strengthen defenses in 1938. This year also marked an end to the submission of annual reports to the League of Nations. As is well known, the area was used extensively in World War II for military purposes.

Economic development was by and for Japan. Japanese nationals were imported in vast quantities; sugar plantations were established; private enterprise was encouraged through the extensive use of subsidies. Although there are those who claim that Japanese rule was very beneficial to the Micronesians, it does appear that, on balance, Japanese basic policy was something less than humanitarian toward the natives. Sugar plantations provided the ingredient for alcohol to fuel torpedoes; mining provided bauxite to furnish the aluminum for airplanes.[11] In the process of exploitation from 1920 to 1940, however, beneficial aspects developed. Roads, harbors and docks were built; lands were cleared and crops planted.[12] Sugar cane acreage, 1,104 in 1920, was increased to 30,400 acres by 1938. Commercial fishing was developed to a most commendable extent reaching a level of 100,000,000 pounds of fish products yearly exported to Japan.

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[10]Department of State, 12th Annual Report to the United Nations on the Trust Territory of the Pacific, op. cit., p. 7.

[11]Time Magazine, June 23, 1961, p. 25.

[12]See Emil J. Sady and others, Report of a Transportation Survey on the Means of Establishing Sea and Air Transportation in the Trust Territory under Civilian Administration for the U. S. Department of the

One must reiterate, however, that the Micronesians shared in this economic development only in a very tangential manner. Perhaps the Japanese scholar, Tadao Yanaihara, summed up the prevailing attitude of the ruling class best by noting:

> Viewed from a realistic, utilitarian point of view, it may seem more profitable for the government to leave the natives to dwindle naturally and let the Japanese immigrants fill their place . . . . No country on earth can be expected to administer a colony purely or solely for the protection of the natives.[13]

Certainly such a philosophy is almost diametrically opposed to current thinking on the rights of dependent peoples, and such a posture would hardly square with traditional United States concern for the basic worth of the individual. Furthermore, one needs to consider the variety of the various considerations which have gone into United States policy to prevent exploitation of the local inhabitants which have tended to discourage further economic activity. Our anti-colonial tradition and long-standing record of sympathy and understanding toward dependent peoples would not, even in the era before World War II, have permitted the United States to pursue an economic policy at the expense of the Micronesians.

Allied conduct of the war against the Japanese resulted in the establishment of the United States position in the Japanese islands by right of conquest. Japan surrendered on September 2, 1945 and, as American troops occupied each island, "it became subject to U. S.

Interior and the Department of the Navy (Washington: U. S. Department of the Interior, April, 1950), pp. 95-96 for more complete information on Japanese exploitation.

[13]Yanaihara, op. cit., pp. 298 and 304.

new basic relations, however, that the Government adopted in this economic development only in a very tentative manner. Perhaps the Japanese attitude, like Prentiss', seems to the prevailing realities of the ruling class best by saying:

> Viewed from a realistic, utilitarian point of view, it may seem more practical for the government to leave the decision to decide measures and let the Japanese individuals fill their plans . . . By country or early can be expected to materially a change merely or solely for the materialism of the nations.[1]

Certainly such a philosophy is almost diametrically opposed to current thinking on the rights of impersonal society, and such a position would greatly square with Prentiss' Quaker training concern for the basic worth of the individual. Furthermore, one might be tempted the question the various considerations which have gone into these basic policy or present exploitation of the local industries which have tended to discourage further economic activity. Our environmental condition and standing control of capacity and overcrowding control demanding pattern would not, even in the most extreme basis the U.S. have permitted the United States to pursue an economic policy as the opposite of the discussion.

Allied control of the war against the Japanese resulted in the establishment of the United States Japan position in the Japanese liberty by right of conquest. Japan surrendered on September 2, 1945 and, as American troops occupied each island, it became subject to U. S.

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[1] Prentiss, op. cit., pp. 190 and 445.

Interior and the Japanese of the Army (Washington: U. S. Department of the Interior, Paris, 1950), pp. 23-30 for more complete information on Japanese objectives.

authority in accordance with the international law of belligerent occupation until July, 1947, when the islands formerly became a U. N. Trust Territory."[14] It was inconceivable at the time, and no serious thought has since been given to the idea that these islands should ever revert to Japanese administration.

Under the Atlantic Charter, the United States pledged itself to "seek no aggrandizement, territorial or otherwise." As Admiral William D. Leahy has stated in his autobiography, I Was There, this was a fixed principle with President Franklin Roosevelt. The President believed that the United States should place any bases essential for its security under the control of the United Nations. This view was far from being generally acceptable at that time. Admiral Leahy, as did most military men, disagreed vehemently with this proposition. Then Secretary of the Navy James Forrestal indicated in a diary entry on July 7, 1944, less than enthusiastic approval for United Nations control by writing in part, ". . . it seems to me a sine qua non of any postwar arrangements that there should be no debate as to who ran the Mandated Islands."[15] He continued to press his objection to anything less than full United States control of the Pacific Islands in the ensuing months.

The evidence of difference within our government over this issue is indicated by the extended interval between the time when we played

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[14]Department of State, 14th Annual Report to the United Nations on the Trust Territory of the Pacific Islands, p. 7.

[15]Walter Millis (ed.), The Forrestal Diaries (New York: The Viking Press, 1951), p. 8.

Chairman of Devon, Lord Fermoy, as the Marcus Beresford of the Local Defence of the Realist Leagues, p. 72.

Winston Churchill (1), The Unwilling Liberal Lynx. The

such a positive role in the development and inauguration of the Trusteeship System of the United Nations and our coming forward with proposals to place the former Japanese mandated islands under the Trusteeship System.[16]

By the Cairo Declaration of 1943, the United States declared that they "coveted no gain for themselves and had no thought of territorial expansion."[17] Nonetheless, a Gallup Poll published May 23, 1944, when war in the Pacific was at its height, indicated that 69 per cent of the American public desired to "keep Micronesia and also the islands owned or controlled by Britain and Australia which the United States had captured."[18] Only limited significance can be attached to this sampling of American opinion since no alternative to annexation appears to have been offered in this poll.

Although the structure of a United Nations Trusteeship System had been formed, the fundamental question for the United States as to whether the Japanese mandated islands should be placed within this system or annexed had not been answered. Support for United States retention of the islands was provided for by a Sub-Committee for Pacific Bases of the Committee on Naval Affairs of the House of Representatives. In a formal

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[16]For a comprehensive outline of United States efforts to develop a Trusteeship System (efforts that were materially added by one of the student's advisors, Dr. Durward V. Sandifer) see Postwar Foreign Policy Preparation, 1939-1945 (Washington: U. S. Government Printing Office, 1950), pp. 428, 431, 660, 688, and passim.

[17]Emerson, op. cit., p. 119.

[18]Huntington Gilchrist, "The Japanese Islands: Annexation or Trusteeship?" Foreign Affairs, Vol. XXII, p. 642.

[illegible] a comprehensive treatise of current issues in foreign
& [illegible] Library [illegible] were essentially taken by one of the
students's professors, G. Lowell Bascom. See his Foreign Policy
Perspectives, [illegible] (Indianapolis: B. G. Bowerman Printing Office,
[illegible]), pp. [illegible], [illegible].

[illegible]Bascom, op. cit., p. [illegible].

[illegible]Thomas Gilchrist. The Supreme Tribunal: Annotations on
Precedent. Trenton Gilchrist, [illegible]. 2v. 8vo.

report submitted in August, 1945, it recommended that in the interest of the security of the United States, the Western Hemisphere, and the peace of the Pacific, the United States should keep at least a dominating control over the Japanese mandated islands.[19] The report reflected the deep interest and the concern within various quarters of the government in support of the idea of retaining United States control over the islands based on security considerations. The Navy and the War Departments, as might be expected, were disturbed about the preparations for "trusteeship or internalization of the Pacific Islands."[20] The Department of the Interior, on the other hand, could see in the islands another possibility for its administration. The military position was succinctly stated in a "Memorandum for the Secretary of State" from the Secretary of War Henry L. Stimson on January 23, 1945:

> [The Pacific Islands] do not really belong in such a classification [colonial areas]. Acquisition of them by the United States does not represent an attempt at colonization or exploitation. Instead it is merely the acquisition by the United States of the necessary bases for the defense of the security of the Pacific for the future world. To serve such a purpose they must belong to the United States with absolute power to rule and fortify them. They are not colonies; they are outposts, and their acquisition is appropriate under the general doctrine of self-defense by the power which guarantees the safety of that area of the world.[21]

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[19] Emerson, op. cit., p. 119.

[20] Dorothy E. Richard, United States Naval Administration of the Trust Territory of the Pacific Islands (2 Vols., Washington: U. S. Government Printing Office, 1957), p. 58. It might be noted that a third volume is now in preparation.

[21] James N. Murray, Jr., The United Nations Trusteeship System (Urbana: The University Press, 1957), p. 29.

In 1946, Admiral Chester W. Nimitz, Chief of Naval Operations, stated:

> The ultimate security of the United States depends in major part on our ability to control the Pacific Ocean, that these islands are part of the complex essential to that control, and that the concept of Trusteeship is inapplicable here because these islands do not represent any colonial problem nor is there economic advantage accruing to the United States through their ownership.[22]

Admiral Ernest J. King stated:

> These atolls, these island harbors will have been paid for by the sacrifice of American blood . . . . Failure to maintain these bases essential for our own defense raised the fundamental question--how long can the United States afford to continue a cycle of fighting and winning and giving away only to fight and build and win and give away again?[23]

On the other hand, Secretary of State Stettinius on May 28, 1945 stated that:

> . . . We have stood with equal firmness for a trusteeship system that will foster progress toward higher standards of living and the realization of human rights and freedoms for dependent peoples, including the right to independence or another form of self-government such as federation.

President Truman neatly straddled the two positions in his Navy Day address on October 27, 1945, by affirming:

> We do not seek for ourselves one inch of territory in any place in the world. Outside of the right to establish necessary bases for our own protection, we look for nothing which belongs to any other power.[24]

National sovereignty and strategic need were being balanced against internationalism and the principle of trusteeship.

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[22]Millis, op. cit., p. 214.

[23]Army and Navy Journal, April 7, 1945, p. 987.

[24]Quotations from U. S. Department of State Bulletin, December 30, 1945, p. 1044.

As noted above, opposition of American military leaders to the idea of a United Nations Trusteeship over the Pacific Islands had the support of our first Secretary of Defense, James Forrestal, while serving as Secretary of the Navy in 1944.[25] By 1945 the strategic importance of Micronesia was not difficult to demonstrate. Not only had American jurisdiction been acquired there at the cost of tremendous amounts of materials but also at the cost of perhaps as many American casualties as there were local inhabitants throughout the whole area. The Joint Chiefs of Staff maintained that national security could best be served by the outright annexation of the islands.[26] In line with this posture, at a meeting of State, War, and Navy representatives on April 15, 1945, the military advised postponing discussion of the trusteeship question at the San Francisco Conference (see Chapter I) and issuing a public statement to the effect that the United States would retain full control of areas necessary for future peace in the Pacific. The State Department objected to both ideas but agreed to the concepts of not discussing any specific areas and including within any general system, provisions for protecting United States strategic interests.

At the final meeting on April 17, 1945, before the San Francisco Conference, Secretary Forrestal stated the Navy position as follows:[27]

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[25]Richard, op. cit., p. 59.

[26]Ibid., p. 60.

[27]Millis, op. cit., p. 45.

> I take it as a premise about all discussions of world peace that the United States is to have the major responsibilities for the Pacific Ocean security, and if this premise is accepted there flows from it the acceptance of the fact that the United States must have means with which to implement its responsibilities . . . .

One could see that loyal and conscientious Americans, mindful of the increased responsibilities of this country for building and maintaining the security of the Free World and the development of a newly created United Nations system toward this aim, could, at the same time, have honest differences.

For a time after the submission of the report of the Sub-Committee on Pacific Bases, the Navy's point of view appears to have been upheld. In the House of Representatives, Andrew J. May, Chairman of the House Military Affairs Committee, and Mrs. Clare Boothe Luce joined with Secretary of the Navy Forrestal in echoing Navy views. A proposal favorable to the Navy was contained in a bill introduced by Representative Sterling W. Cole of New York on January 6, 1945, which would have placed responsibility for civil affairs in the Pacific Islands in a civilian agency. Ultimate responsibility for the conduct of government, however, would have remained with the Secretary of the Navy. It is interesting to note, as indicated above, that this coincided with the procedure followed by the Japanese in 1918. The ideas contained in this bill were reiterated in January, 1947, when Congressman Cole introduced House Joint Resolution 70 to provide for an Office of External Possessions inside the Navy Department headed by an Assistant Secretary

I have it in a letter about the difficulties of using Navy
that the United States is to have the major responsibility for
the Pacific Ocean area[illegible], and if this principle is accepted
there flows from it the conclusion of the fact that the United
States must have bases which be maintained its defensive
facilities . . .

One could see that logic was unassailable Saturday, clearly at
the increased responsibility it will undertake for helping the main-
taining the security of the free world and the development of a sturdy
overseas United States system toward this end, namely, as one says,
have bases [illegible].

For a time after the publication of the report of the Sub-Committee
on Pacific Bases, the Navy's public relations were known to have been weak.
In the House of Representatives, before L. Hon. Chairman of the House
Military Affairs Committee, and the [illegible] have joined with
Secretary of the Navy Forrestal in asserting Navy views. A proposal
favorable to the Navy was included in a bill introduced by Representa-
tive Sterling W. Cole of New York on January 3, 1945, which would have
placed responsibility for civil affairs in the Pacific Islands in a
civilian agency. Ultimate responsibility for the control of operations,
however, would have remained with the Secretary of the Navy. It is
interesting to note, in retrospect alone, that this objection with the
Secretary Culbreth of the Japanese in 1941. The ideas contained in this
bill were criticized in January, 1941, when Congressman Cole later
stated there joint resolution [illegible] is proving for an office of Pacific
Possessions under the Navy Department headed by an Assistant Secretary

and Congressman Henry Jackson introduced H.J.R. 80 to establish civil administration.[28] All failed to pass the House Committee on Public Lands.

Indicative of the importance which the Navy attached to the matter of maintaining United States control of the islands of Micronesia was the statement issued by the Assistant Secretary of the Navy on September 3, 1945, listing those bases which the Navy considered to be the absolute minimum essential for its use in the Pacific to be Guam, Saipan, and Tinian.[29]

Anti-annexationists and advocates of trusteeship were extremely concerned when the President in late 1945, at the request of the Secretary of the Navy, gave the Navy responsibility for the administration of Micronesia as an "interim arrangement." Proof that "interim arrangement" was more than just a high-sounding phrase was evident from the appointment by President Truman in October, 1945, of a committee composed of representatives of State, War, Navy, and Interior to give him recommendations on the ex-Japanese mandated islands "satisfactory to all departments."

Indicative of the seriousness of purpose of the Navy of preparing itself in the midst of war for handling its post-war responsibilities for such peoples as the United States might assume jurisdiction of,

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[28]Francis J. West, Political Advancement in the South Pacific (Melbourne: Oxford University Press, 1961), p. 139.

[29]John M. Maki, "U. S. Strategic Area or UN Trusteeship?" Far Eastern Survey, Vol. XVI, August 13, 1947, p. 177.

and Congressman Henry Jackson introduced S.J.R. 69 to establish civil administration.[1] All failed to pass the House Committee on Public Lands.

Initiative at the legislature which the Navy attempted to do earlier at maintaining Guard units ceased at the insistence of Governors who like existing issues to the discretion necessary of the Navy on September 30, 1950, limiting those cases which the Navy considered to be absolute minimum requirements for its use in the Pacific in the event, war broke.[2]

Anti-annexationists and advocates of independence were completely cognizant that the President in late 1950, at the request of the Navy, gave the Navy responsibility for the administration of Micronesia as an "interim arrangement." Proof that "interim arrangement" was more than just a wide-ranging phrase was obtained from the appointment by Secretary Dean Acheson of Owen, Bay, and Emerick to give the Commissioner on the ex-Japanese mandated islands "multifarious" duties.[3]

Indicative of the seriousness of purpose of the Navy of preparing itself in the event of war for meeting its post-war responsibility for each province as the Orient stated might remain jurisdiction of,

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[1] Edwards v. Carr, Territorial Administration in the South Pacific (Washington: Public Affairs Press, 1950), p. 216.

[2] 64 U. Stat. 70, 3. Hereafter cite as 50 USC Appendix. See Appendix [illegible] vol. 147, August 11, 1951, p. 1177.

programs were inaugurated in 1942 at Columbia University and, subsequently, transferred to Stanford University where the School of Naval Administration was opened on April 1, 1946. Social anthropology, not generally established at that time in many institutions as one of the segments of social science studies, and certainly not a field with which naval officers were familiar, was presented along with training in civil affairs and government administration. Interestingly enough, the Navy periodically still trains officers in governmental affairs at the Army's School of Military Government at Fort Gordon, Georgia.

All too often, there is a tendency to judge Navy administration in the Pacific on the basis of its record in Guam and Samoa in the period before World War II. It can be contended that the case of the ex-Japanese mandated islands was quite different. The Navy undertook a thankless job under an "interim arrangement" and, yet, it had for the first time, policy guidance provided by the conversations at Dumbarton Oaks from August to October, 1944, which resulted in the United Nations Charter with its special provisions relating to the welfare and advancement of dependent peoples. Although the connotation of military interference in essentially civil matters was to prove too strong for the Navy to continue administration of the entire area of the Trust Territory of the Pacific Islands, nevertheless, one would be sorely tried attempting to prove that it did not follow the provisions of the Charter and afford the indigenous people of Micronesia just treatment in accordance with their customs and traditions and the dictates of the United Nations Charter.

II. THE INTER-DEPARTMENTAL CONTROVERSY

In view of the leadership which the United States exercised in developing the special provisions of the United Nations Charter dealing with dependent peoples, the controversy which subsequently developed at home regarding the future arrangements for the administration of the former Japanese Islands seemed somewhat out of character. However, there were valid reasons on both sides for a controversy to spring up. Not that anyone wished to give away the Pacific bases; rather, the controversy centered around the method of retaining control: annexation or trusteeship.

Prominent among those expounding the principle of trusteeship, as well as the shibboleth of civilian government for civilian populations were the then Secretary of the Interior Harold L. Ickes and former Commissioner of Indian Affairs, Mr. John Collier, who, at the time, was chief spokesman for the Institute of Ethnic Affairs. For an extended period of time, these two gentlemen led what might be called a crusade to get the Navy out of the business of island government and administration. Mr. Collier, in his capacity as President of the Institute of Ethnic Affairs, published in Washington, the Guam Echo, a newspaper for the general information of the Guamanians. It also served as a means of pressing the case against civilian administration by the military.

The fight for public support for divergent views was protracted and bitter. After his resignation as Secretary of the Interior, Mr. Ickes continued to carry on an aggressive campaign against the Navy with respect to its responsibilities for Island Territories in his syndicated

II. The Declaration of Independence

In view of the necessity which the United States encounters in developing its special processes of the Second Nations Charter family with economic factors, the controversy which subsequently developed in these regarding the future arrangements for the administration of the Indian Japanese Islands needs careful and it continues. Despite, there have well reason to fix this day as a satisfactory to spring up. But does anyone object if you say the Pacific Ocean, the conference terminated formed the border of existing country: annexation or disagreement.

Questions among these arguments the question of treatment. As well as the abolition of civilian government for civilian communities was the home currency of the Jonathan David L. Jones and Former Commissioner of Indian Affairs, Mr. John Collier, who at the time, was chief spokesman for the Institute of Public Affairs. For an unlimited period of time, these two positions led them right to collide to put the duty out of the business of first negotiated and substantive claim. Mr. Collier, in his capacity as President of the Institute of Public Affairs, believes in sovereign, the same time, a campaign for the general reservation of the Commissioner. I. also agrees as a basis of providing the same equitable assimilation of the citizens.

The Title for public support the interpose these new provisions and others. After his resignation as Secretary of the Interior, Mr. Jones continues to carry on an aggressive campaign against the duty will assumed to the responsibilities for Indian Territorial in his opposition.

newspaper column, in special articles, and in public pronouncements. In an article in Collier's entitled "The Navy at its Worst," Mr. Ickes denounced the Navy's handling of the Pacific Islands, stating in part that "it is the Navy which has largely been responsible for our undeclared moratorium on democracy in these islands."[30] In his address to a joint meeting of the Institute of Pacific Relations and the Institute of Ethnic Affairs at the Hotel Mayflower on May 29, 1946, to which he gave the Title, "Meet the Navy," he said in part:

> It is time that the State Department cease to be beguiled by the pleasant tinkle of brass and the luster of gold braid which has been largely responsible for our moral failure to date as to our dependencies.
>
> The official pressure to designate the Japanese mandated and other islands as strategic areas in their entirety or to annex them outright emanates from the Navy's desire to have exclusive responsibility for governing the population of the areas . . . . The record shows that the Navy cannot be trusted to rule civilian populations. The Navy is arbitrary, dictatorial and totally disregardful of civilian rights.[30]

This extreme statement embodies the basic conviction held by many people in and outside of government that there is some intrinsic wrong in the administration of civilian populations by a military establishment.

As evidence that Secretary Forrestal's ire had reached the level of Mr. Ickes' was his suggestion that "Mr. Ickes be made King of Polynesia, Micronesia and the Pacific Ocean Area." Although not

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[30]Harold L. Ickes, "The Navy at its Worst," Colliers, August 31, 1946, p. 22.

[31]U. S. Congressional Record, 79th Congress, 2nd Session, Appendix A3205.

published at the time, Secretary Forrestal painted a satiric picture of Mr. Ickes in a memorandum noting:

> High in the moral stratosphere Mr. Ickes, bathed in the serene light of his own self-approval, emanating the ectoplasm of conscious virtue, views the motives of most men as mean and vulgar, with, of course, one notable exception. If I should send a commission to the Pacific Islands to report to me on . . . the current results of naval administration they will all be yes men . . . . Mr. Ickes, among other things, is an expert on yes-men. He has taken pains to have a satisfactory number around him . . . . For tolerance, understanding, wisdom and devotion to the cause of human freedom, I believe the admirals, when called upon for their final accounting before their Maker will not have to step aside unless Harold Ickes does it by force.[32]

Obviously, the controversy had expanded beyond normal intra-governmental exchange of views to extreme positions which, as Professor Douglas Oliver has pointed out, "might have been entertaining had it not involved the welfare of thousands of helpless Micronesians."[33]

Another side of the controversy involved representatives of the Departments of State and Navy. This was reflected in many ways. Perhaps one instance will serve to point out the differences which at times rubbed raw the nerves of coordination. At the first meeting of the United Nations in London in January, 1946, the question of trusteeship for the ex-mandated islands came up. Secretary of State Byrnes cabled Washington asking whether he could indicate that the United States was willing to offer the islands for ordinary trusteeship or strategic trusteeship. Acting Secretary Dean Acheson, without conferring with the

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[32]Millis, op. cit., pp. 21 and 232.

[33]Douglas L. Oliver, The Pacific Islands (Cambridge: Harvard University Press, 1958), p. 261.

military, obtained the approval of President Truman and cabled authorization to Secretary Byrnes. Indicative of the lack of support among the military for such a posture was the immediate protest of Secretary Forrestal both as to the method of obtaining Presidential approval and the substance of the statement.[34]

The controversy continued unabated throughout 1946. A New York Times editorial of September 2, 1946, strongly suggesting the position of Messrs. Ickes and Collier, was equally strongly replied to by Secretary Forrestal as he stated:

> Single island positions cannot be considered strong bases. Selected islands can, however, together with Guam, form a far-reaching mutually supporting base network, although each alone would fall far short of being an impregnable bastion.
>
> Your editorial states that our record in American Samoa and Guam does not give adequate assurance of the preservation of democratic rights of the inhabitants of the Pacific Islands while assuring the protection of national security interests. That is the exact objective of naval civil government and for that matter of military government as well.[35]

Secretary Forrestal went on to state that the Navy record in Guam and American Samoa needed no defense.[36]

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[34]Millis, op. cit., pp. 130-131.

[35]The New York Times, September 24, 1946.

[36]The bad blood between Mr. Ickes and Secretary Forrestal, which revealed itself in the controversy over administration of Pacific Islands, probably had its roots, according to The New York Times (March 10, 1946) in an earlier, immense controversy over the administration of naval oil reserves which had been shifted to naval control in 1927 as a result of the Teapot Dome Scandal.

By October, 1946, the time had arrived to consider the provisions under which the United States would offer its newly acquired territory as a part of the forthcoming new Trusteeship System. On October 22, 1946, the President called a meeting of representatives of State, War, and Navy to formulate specific proposals.[37] Setting the tone of the conference, the President indicated that the United States would offer the Pacific Islands for trusteeship under the form agreed upon by the United Nations. Both Admiral Chester W. Nimitz and Secretary Forrestal expressed concern about this procedure believing, as they did, that the position taken by the Joint Chiefs of Staff might be weakened thereby. Admiral Nimitz stated that the sovereignty of the ex-Japanese mandates should be taken by the United States.[38]

As the time for actual proposals in the United Nations concerning the islands drew nearer, positions tended to solidify. The Navy wanted a "hard-and-fast" strategic trust contract first and then consideration of offering the mandated islands to the United Nations. Secretary Byrnes told Secretary Forrestal that this sequence "would put us in an impossible position before the world on the matter of trusteeship."[39]

As does happen in our system of government when top levels find agreement difficult, if not impossible to arrive at, the issue was resolved by a presidential statement on November 6, 1946,[40] which said

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[37]Millis, op. cit., p. 213.

[38]Ibid., p. 214.

[39]Ibid., p. 215.

[40]Infra, Appendix A.

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[39] Ibid., p. 115.

[40] Ibid., p. 116.

[41] Public Opinion, p. 113.

[42] Ibid., p. 101.

[43] Ibid., p. 101.

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that the United States would place the islands under trusteeship but under the provisions of a trusteeship agreement to be considered at a later date. Secretary Brynes indicated to Secretary Forrestal that "he had very much in mind his pledge . . . that whatever form the final agreement took, the Navy wanted something that was tantamount to sovereignty at least until the United Nations had become a going concern."[41]

As American plans for trusteeship left the domestic scene for the international forum of the United Nations, other points of view soon became evident. The Soviet Union claimed the right to review the proposal of the United States whereupon Secretary Byrnes, by use of polite pressure, let it be known that the United States position on the Kuriles and Southern Sakhalin would reflect the Soviet attitude on our mandated islands.[42] The Soviet representative to the Security Council reversed his position and spoke of the "incomparably greater sacrifices" of the United States.

On the home front again, Congressmen, reporters, and many others continued to contribute ammunition to the mounting battle for public opinion. The new Secretary of the Interior, Mr. J. A. Krug, raising the general level of the controversy, presented a strong case based on a reasoned argument of principle rather than invective. During a tour of the Western Pacific and Japan in 1947, he found a strong ally in General Douglas MacArthur who was, according to Mr. Krug, "deeply wedded to the

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[41]Miles, op. cit., p. 216.

[42]James F. Byrnes, Speaking Frankly (New York: Harper and Brothers, 1947), p. 221; see also Richard C. Snyder and Edgar S. Furniss, Jr., American Foreign Policy (New York: Rinehart and Company, Inc.,

principle of civilian government for civilian people." In a press release, both advocated a speed-up of "democratization processes for American-controlled islands of the Pacific."[43] Secretary Krug's approach was more subtle, more reasonable, and, as we shall see, more successful than the "name-calling" tactics of previous participants.

On September 30, 1946, the Navy's top Pacific commanders, Admiral John H. Towers and Rear Admiral Charles A. Pownal conferred with President Truman and Secretary of the Navy Forrestal at the White House. They emphasized the strategic importance of Guam by stating that "the Navy's immediate job was to convert Guam into a 'little Pearl Harbor,' then to link it and Pearl Harbor by a chain of airfields and natural anchorages."[44] On October 3, 1946, in Honolulu, Admiral Towers stated that, "eventually our installation in the Guam-Saipan area will be our key Pacific base. Alaska and the Aleutian bases plus Pearl Harbor in the middle Pacific and the Marianas installation will provide a fulcrum for the Pacific defense set-up."[45]

In 1947, the tide appeared to be turning against the Navy's position toward the position held by the anti-annexationists. Then Representative Henry M. Jackson of Washington and the late Senator Hugh Butler of Nebraska introduced measures to authorize the President to establish civil administration under the Secretary of Interior for Guam, Samoa,

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1954), p. 739.

[43]Quotations in paragraph from The New York Times, February 26, 1947 and February 27, 1947.

[44]Ibid., October 1, 1946. [45]Ibid., October 4, 1946.

and the Islands of the Pacific. This extended period of controversy over the Pacific Islands was ultimately punctuated by an important policy meeting in May, 1947, on this subject attended by the Secretaries of State, War, and Navy. As a result of this meeting, in a letter to the President dated June 18, 1947, the three Secretaries recommended, in part, that the Navy Department should continue to have administrative responsibility "pending transfer to a civilian agency of the government at the earliest practicable date, such date to be determined by the President." The late Harold Ickes decried this decision of a committee "to which no representative of the Department of the Interior was invited or even told about." According to Mr. Ickes, "the three departments decided on a 'do nothing' policy which, in effect, /left/ the Navy in control."[46]

In spite of the protestations of Mr. Ickes, the phrase "pending transfer to a civilian agency" certainly was looked upon by the anti-annexationists as tipping the scales in their favor and as a triumph for those who had pressed for administration of the Pacific Islands by a civilian agency of the government. The phrase also became particularly applicable to the problem of administration of the former Japanese Mandated Islands. The United States had already completed its negotiations with the Security Council of a trusteeship agreement for the territory which was then before Congress for its approval.

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[46]Ickes, op. cit., p. 22.

and the failure of the Pentagon. This inadequate control or coordinating
over the Pacific Islands was ultimately responsible for the inconsistent
policy governing the [illegible] as this country finished its nonresponsive
attitude, Navy, and Army. It is ironic if this leading [illegible] to
the Pentagon Papers [illegible], but then Secretary Rumsfeld
says, that the Navy Department should continue to have jurisdiction
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[1] Navy Op. cit., p. 82.

CHAPTER III

THE TRUSTEESHIP AGREEMENT FOR THE TRUST TERRITORY OF THE PACIFIC ISLANDS

Despite our interest in getting the Trusteeship System launched, which depended on proposals of certain United Nations members to place territories administered by them under the system, the United States proposal, as has been noted, did not come until after a number of other administering powers had proposed trust agreements for other mandated territories. Our slowness in submitting proposals to the United Nations for placing the former Japanese Mandated Islands under trusteeship did not pass unnoticed in the international sphere. The delay, of course, was due to the continuance of the controversy concerning annexation or trusteeship.

When the United States did come forward with a trust agreement on February 26, 1947, it proposed the establishment of a strategic trust territory in accordance with Article 82 of the United Nations Charter. However, as Hanson Baldwin pointed out at the time, "President Truman's recent announcement that the United States will be willing to place the former Japanese mandated islands under United Nations trusteeship, solely administered by the United States, represents a slight deviation from the policy advocated by the Joint Chiefs of Staff."[1] It would appear that the victory for the advocates of trusteeship was not so

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[1]The New York Times, November 13, 1946.

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clear cut. The "strategic" aspect of the trusteeship agreement, unlike those of other Trust Territories--such as New Guinea, Nauru, and Western Samoa--enabled the United States unilaterally to close parts of the area for security reasons. Article 82 of the United Nations Charter states that "There may be designated, in any trusteeship agreement, a strategic area or areas which may include part or all of the trust territory to which the agreement applies . . . ." Article 83 reads, "All functions of the United Nations relating to strategic areas, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the Security Council."[2]

It is interesting to note in passing that an article was included in the trusteeship agreement to provide for an administrative union (Article 9). A copy of the trusteeship agreement with explanatory comments was prepared for the Senate Foreign Relations Committee and, under Article 9, the explanation, in part, went as follows: "Provision for such union or federation is obviously desirable to ensure the efficient administration of such island areas as Saipan which will face many problems common to the nearby island of Guam."[3]

Critics were quick to point out that, in spite of the solemn declarations of the Atlantic Charter, the strategic area concept was a

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[2]For an analysis of the Trusteeship Agreement, see Robert R. Robbins, "United States Trusteeship for the Trust Territory of the Pacific Islands," Department of State Bulletin, Vol. 16, May 4, 1947, pp. 783-790; and U. S. Congress, Senate, Report to accompany S.J.R. 143, 80th Cong., 1st Sess., Report No. 471, July 10, 1947.

[3]U. S. Congress, Senate, Report to accompany S.J.R. 143, p. 9.

creation of the United States and was not compatible with the intent of the Charter. But, as Warren R. Austin, United States Representative to the United Nations, pointed out to the Security Council on February 26, 1947, "tens of thousands of American lives, vast expenditures of treasure and years of bitter fighting were necessary to drive the Japanese aggressors back from these islands. These islands constitute an integrated strategic physical complex vital to the security of the United States."[4] Too many Marines had died too recently on Saipan for an ordinary trusteeship to be satisfactory. The Japanese had proved that the islands were indeed "strategic." The viewpoint that strategic needs could change with the advent of nuclear weapons and the decline of Japan as a great power seemed to gain few advocates.[5] The key to our policy was still the importance that the military attached to these islands as a result of defense and strategic considerations.

Debate continued rather acrimoniously into March. Efforts were made by Australia, New Zealand, and the United Kingdom to delay the effective date of the Agreement until the peace treaty with Japan had been signed.[6] The representative of the Soviet Union requested

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[4]U. S. Congress, Senate, Committee on Foreign Relations, A Decade of American Foreign Policy, Doc. No. 123, 81st Cong. 1st Sess. (Washington: U. S. Government Printing Office, 1950), p. 1028.

[5]For a discussion of this point, see John M. Maki, "U. S. Strategic Area or UN Trusteeship," Far Eastern Survey, Vol. XVI, August 13, 1947, p. 176.

[6]Richard C. Snyder and Edgar S. Furniss, Jr., American Foreign Policy (New York: Rinehart and Company, Inc., 1954), p. 739; and Charmian Edwards Toussaint, The Trusteeship System of the United Nations (New York: Fredrick A. Praeger, Inc., 1956), p. 88 for a further

amendment of the trusteeship agreement draft to read "self-government or independence" as a future objective for the Trust Territory instead of "self-government" alone. This was agreed to by the United States. Parenthetically, it is difficult to believe that such an important "omission" was entirely unintentional. The comment of the United States representative with regard to this amendment seems to indicate that independence as a realistic goal was considered less than probable: "The United States feels that it must record its opposition not to the principle of independence, to which no people could be more consecrated than the people of the United States, but to the thought that it could possibly be achieved within any foreseeable future in this case."

In any event, the Security Council, on April 2, 1947, by resolution, unanimously approved with slight amendments the trusteeship agreement for the former Japanese Mandated Islands.

One critic claims that "the Soviet Union acquiesced in this arrangement, evidently because it realized that the only alternative was the establishment of unfettered American sovereignty over the area and possibly because it nourished the vain hope that it might become the beneficiary of a similar arrangement."[7]

The Trusteeship Agreement was thus stamped "approved" by the United Nations; it then had to run the Congressional gauntlet. On July 7, 1947, the Senate Foreign Relations Committee met in executive

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analysis of this point.

[7]Inis L. Claude, Jr., Swords into Plowshares (New York: Random House, 1961), p. 367.

session with representatives from State, War, Navy, and the Joint Chiefs of Staff to consider S. J. Resolution 143.[8] The representatives included Secretary of War Robert P. Patterson, Secretary of the Navy James Forrestal, General of the Army Dwight D. Eisenhower, Fleet Admiral Chester W. Nimitz, and Mr. Benjamin Gerig, Chief of the Division of Dependent Area Affairs of the Department of State.

If one gains any single impression from this Hearing it is that the central concern was to insure United States security in the area of Micronesia. General Marshall said that there was "no doubt" in his mind that security was "fully provided for." Secretary Patterson reiterated that "the war itself demonstrated beyond question the importance of the former mandated islands to the security of the United States." General Eisenhower indicated that the trusteeship agreement gave us "all the national security rights" we needed. Mr. Gerig believed that nothing in the agreement impinged "in any way upon our autonomy with respect to national security."

The Hearing demonstrated why the United States came forward in the United Nations with a strategic trusteeship agreement, the first of its kind, and to date the only one. However, with this emphasis, the United States was liable to the charge of a "double standard of international morals in a matter which we considered vital to our safety."[9]

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[8]See U. S. Congress, Senate, Committee on Foreign Relations, Hearing on S.J.R. 143, Joint Resolution authorizing the President to approve the Trusteeship Agreement for the Territory of the Pacific Islands, 80th Cong., 1st Sess. (Washington, 1947) for additional information.

[9]Hans W. Weigert, "U. S. Strategic Bases and Collective Security: Foreign Affairs, Vol. XXV, January, 1947, p. 262.

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Peter Lyman, Ethics and Social Responsibility,
Private Economy, Vol. XXX, January, 1967, p. 104.

We had consistently proclaimed the right of a subject people to determine its own government eventually and, yet, clearly indicated that national security considerations were overriding in this instance. Dichotomies of this sort which create dilemmas for policy-makers arise all too often. The United States 'solution" in this instance was to resort to the "strategic area" concept.

At the same time, we undertook to advance the political, economic, educational, and social status of the islanders in accordance with the enlightened principles for the administration of dependent peoples written into the Charter and to submit our administration, subject to security considerations, to international scrutiny in conformance with the formula embodied in the Trusteeship System.

Since the establishment of the trusteeship, the United States has given due consideration to recommendations by the Trusteeship Council regarding the Trust Territory; but we decide how and to what extent such recommendations should be applied. This, of course, is not peculiar to our particular administration of territories; other countries follow the same procedures. This point was underscored with unusual candor by an Australian representative in 1954 before the General Assembly when he stated:

> Please let me say, with respect to our critics, that the United Nations Trusteeship System does not mean that the United Nations is in charge of our Trust Territories. We are in charge of them and we are footing the bill, and we are meeting our obligations toward the Trust Territories with all the energy and sympathy and expert experience that we can bring to it.[10]

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[10]Quoted in Claude, op. cit., p. 362.

So responsibility for the initiation of policy remains with the United States. This might lead one to conclude that the United States has been casual in regard to its relations with the people of the Trust Territory. This has not been the case. It should be pointed out that we make every effort to proceed along lines compatible with the policies and desires of the Trusteeship Council. Visiting Missions have been quick to point out that they have not been hampered or restricted unduly in any way.

These incursions into the "colonial" policy of the United States have led us far afield from the Congress where, on July 14, 1947, House Joint Resolution 233, authorizing the President to approve the trusteeship agreement for the Trust Territory of the Pacific Islands, was ordered to a third reading, read the third time, and passed.[11] The President signed the Joint Resolution and the United States Government notified the United Nations on July 18, 1947.

Executive Order 9875[12] was issued on this date, also, whereby military government was terminated and the responsibility for the civil administration of the Trust Territory was delegated to the Navy on an "interim basis."

Trusteeship for the peoples of Micronesia was now an accomplished fact. Provisions for their welfare and advancement under the tutelage of the United States was now spelled out in an international agreement.[13]

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[11] U. S. Statutes at Large, Vol. LXI, Part I (Washington: U. S. Government Printing Office, 1948), p. 397.

[12] Infra, Appendix B.

[13] Infra, Appendix C.

This more precise evidence of attitude and policy of the United States toward the peoples of the Trust Territory did not, however, bring to an end the controversy as to where responsibility for administration of these peoples should rest within the Federal Government. The continuation of this controversy will be dealt with below. It might be useful, however, at this juncture to ask whether the conclusion of the trusteeship agreement and the establishment of civil administration brought about any significant change in the conduct of government in the Trust Territory. Both of these queries can be answered in the negative. Actually, approval of the trusteeship agreement required no major reorientation, for the Navy could maintain that, since the time when United States policy had become spelled out in the United Nations Charter, the Navy had been guided by the statement of principle and aims for promoting the welfare and advancement of dependent peoples. For example, former Deputy High Commissioner Carleton H. Wright, Vice Admiral, U. S. Navy (Ret.) could rightly maintain that many of the provisions which subsequently became incorporated in the trusteeship agreement had been just those which the Navy for more than two years had been earnestly pursuing.[14]

Evidence in support of this contention is the directive issued by Admiral R. A. Spruance as Military Governor of the area on December 12,

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[14]Vice Admiral Carleton H. Wright, U. S. Navy (Retired), "Trust Territory of the Pacific Islands," U. S. Naval Institute Proceedings, Vol. LIIIV, November, 1948, p. 1374.

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(1) Cf. Kenneth C. Davis, Administrative Law Treatise (1958), Vol. III, Section 19.01, p. 1.

1945 (CINCPAC Serial 52855) which deserves to be read alongside the trusteeship agreement itself. The directive required military governors to give effect to the announced policy by:

(a) the physical restoration of damaged property and facilities
(b) the continued improvement of health and sanitation
(c) the early establishment of self-governing communities
(d) the institution of a sound program of economic development
(e) the establishment of an educational program

The important provision (c) above calling for the "early establishment of self-governing communities" was spelled out as follows:

> It is desired that the inhabitants of the occupied territories be granted the highest degree of self-government that they are capable of assimilating. They should be encouraged and assisted to assume as much as possible of the management of their own government. Local governments insofar as practicable, should be patterned on the politico-social institutions which the inhabitants have evolved for themselves. Military government ordinances and regulations should give due weight to local traditions and customs. Legislation and enforcement machinery should be held to the minimum requisite to the preservation of law and order, the maintenance of property rights, the enforcement of measures for health and sanitation, and those laws respecting trade, industry, and labor which are essential to economic well-being.[15]

To explain more fully the policy of self-government, a special notice on this subject (Serial 362--January 10, 1947) was issued. This called for a closer scrutiny of local officials and emphasized the importance of indigenous freedom of choice. On May 13, 1947, the Joint Chiefs of Staff promulgated an Interim Directive (Serial 12370) on Military Government in Central Pacific Islands and again "self-government" was emphasized.[16]

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[15]Felix M. Keesing, Handbook on the Trust Territory of the Pacific Islands (Washington: United States Navy Department, 1948), p. 93.

[16]See John Sandelmann, "Some Observations on the Problem of

In a letter dated January 15, 1948, from the Chief of Naval Operations to the High Commissioner, the mission of naval administration was set down as follows:

(a) early establishment of self-governing communities
(b) public health and sanitation
(c) education
(d) economic development
(e) restoration of war damages

Note that "self-governing communities," third in Admiral Spruance's directive of December 12, 1945, had now been placed at the head of the list.

In negotiating the trusteeship agreement with the Security Council, the United States went no further than this with regard to the development of self-government which it could scarcely envisage taking place within the foreseeable future. With policy such as that enunciated by Admiral Spruance having already become the basis for Navy administration in the Trust Territory, it is understandable why the advent of the trusteeship agreement wrought no perceptible change.

Admiral Louis E. Denfeld, Commander in Chief of the Pacific Fleet was appointed the first High Commissioner of the Trust Territory. The newly-appointed High Commissioner revealed broad understanding in regard to United States policy toward and concern for the welfare and advancement of dependent peoples with his appropriate emphasis, with respect to

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'Self-Government' in the Trust Territory of the Pacific Islands" (Honolulu, 1953) for a complete analysis of the inception of civil rule.

- [x] early recognition of self-serving behavior
- [ ] public ridicule and censure
- [ ] severance
- [ ] economic punishment
- [ ] retribution of any sort

[Bookstein 1977] for a complete analysis of the inception of civil war.

the Territory, on health, sanitation, restoration of property, progress toward self-government, economic development, and education.[17]

II. THE CHANGING TIMES

The Islands of the Pacific had been shaken by a World War which transported them to a strange, new world; a world which was now aware of them; which had provided them with the framework for development of government and had even gone so far as to say that they must "play their part" in defense of the Free World. All of this development antedated not only aspirations on the part of the local peoples for any or a greater measure of self-government but even, very often, the absence of any realization of the existence of peoples in other parts of the Trust Territory and any relation to them. What did an isolated inhabitant of Yap know of political consciousness, of a regional organization to help him, of the United Nations, of the modern world preparing to clothe him in some of the refinements of modern living? One wonders, if given a choice, whether he would choose "enlightened" civilization or his stone money and the old ways. These are unrealistic thoughts; change was the order of the day and two global wars had demonstrated that the outside world was not prepared to leave the people of the Trust Territory alone in their Pacific Island paradise. To what extent the "winds of change" would affect them, only time could tell.

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[17]Leonard Mason, "Trusteeship in Micronesia; Naval Administration Projects Plans for Self Government and Improvement in a Difficult Trust Territory," Far Eastern Survey, Vol. XVII, May 5, 1948, p. 106.

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CHAPTER IV

TRANSFER OF JURISDICTION

The trusteeship agreement helped little in solving the conflict between the military and civilian departments of the government. It was at best a compromise as both sides continued the battle of the editorial page. Under the handicap of an unresolved "interim arrangement," the Navy proceeded with the administration of the Trust Territory; long-range planning was difficult at best. A Civil Affairs Corps within the Navy was discussed which would have established a career branch similar to the colonial services of other nations.[1] This idea was not foreign to the Navy, as evidenced by its extensive training program for Civil Affairs Officers; but it failed to gain broad enough support for implementation.

The Deputy High Commissioner, Rear Admiral Wright, continued to administer the Territory from Guam. In keeping with the policy for the welfare and advancement of dependent peoples, local communities were encouraged to manage their own affairs. As might be expected, this encouragement of democratic practices at times conflicted with the traditional prerogatives of some autocratic chiefs. While subsidization levels were generally met, it soon became evident that subsidization was an obvious and continuing need to maintain even a minimum standard of living. No commercial enterprises were allowed in the Trust Territory

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[1]Leonard Mason, "Trusteeship in Micronesia," Far Eastern Survey, Vol. XVII, May 5, 1948, passim.

CHAPTER IV

THEORIES OF DEMOCRATIZATION

The overwhelmingly spontaneous outburst of rejoicing that greeted the military and civilian departures at the government. It was at least a compromise as both sides continued the battle of the editorial page. Under the direction of an unresolved [illegible] the Navy proceeded with the demobilization of the Trust Territory [illegible] would plunge the district as usual. A Civil Affairs Corps within the Navy was discussed[illegible] would form and[illegible] to the colonial activity of other nations.[1] This idea was not favored by the Navy as evidenced by its immediate investing progress for civil affairs officers but it failed to gain [illegible] support the implementation.

The Deputy High Commissioner, Dan Sutherland, continued to emphasize the territory free base. In meeting with the policy for the welfare and advancement of dependent peoples, local committees were encouraged to manage their own affairs. As might be expected, this encouragement of democratic practices at times conflicted with the traditional interests of some Micronesian chiefs. This condition became more generally so, it soon became evident that administration was divided and continuing need to maintain even a minimum standard of living. The commercial corporations back stateside in the Trust Territory

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[1]James Davis, "Overlapping in Micronesia," The Pacific Journal, Vol. XVII, May 5, 1967, [illegible].

unless the inhabitants could participate. In this regard, on January 1, 1948, the Island Trading Company replaced the U. S. Commercial Company, an organization of the Reconstruction Finance Corporation, as purchasing agent for copra, trochus shells, and handicraft. It was placed in operation with a loan of $250,000 from the Navy Bank on Guam and operated quite successfully until ordered out of business in 1952 by the United States Congress.[2] Although it was acknowledged that the Island Trading Company was effective, it had the serious connotation of "government in business." For this reason, its base was unstable and, as a result, numerous private Micronesian firms took over.

Naval Administrators emphasized the importance of health and sanitation measures in the Trust Territory, and dispensaries were established in each District.

A most important project started by the Navy was called the Coordinated Investigation of Micronesian Anthropology (CIMA). Known by this name from 1947 to 1949 when it changed to Scientific Investigations of Micronesia (SIM), this continuing work has been an invaluable aid to planners and students of Micronesia alike.

It would seem that the Navy had tackled vigorously the problem of building a background of knowledge as a basis for the development of a progressive system of government and social administration. This would be difficult, in not impossible, to accomplish under an "interim

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[2]Robert Trumbull, Paradise in Trust (New York: William Sloan Associates, 1959), p. 92.

Thomas Thomson, Parallax in Iraq (New York: William Dean Associates, 1977) p. 76.

arrangement" of indefinite duration. Furthermore, forces were already moving in Congress and elsewhere seeking to bring this arrangement to an end.

I. THE CONTROVERSY CONTINUES

Secretary of the Interior Krug led off the attack by stating on March 15, 1947, that he would ask Congress to grant charters to American Samoa and Guam for their own civil governments which would change the basis in these Territories from that of Presidential Executive Orders to organic legislation by an Act of Congress. He added that he would seek a similar charter for the Trust Territory.[3]

On July 7, 1948, the civilian and military agencies of the government presented their arguments to a Joint Congressional Committee concerned with the administration of Guam, American Samoa, and the Trust Territory of the Pacific Islands. Representatives of the Departments of State and Interior upheld in open hearing (see below) the importance of civilian administration; while the Navy, in closed session, very probably emphasized the control of the Pacific Islands from a strategic point of view.[4] Perhaps the general line of the Navy's argument can be surmised from the statement of the High Commissioner, about one week after the hearing, to the effect that no other agency of the Federal Government

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[3]The New York Times, March 16, 1947.

[4]Ibid., July 8, 1948.

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could handle the administration of the islands so well and only the Navy could give the logistic support essential to successful administration.[5]

In a prepared statement to the press after the hearing, Mr. Oscar Chapman, Under Secretary of the Interior said:

> The emphasis in civil administration should be on the political, social and economic aspects . . . . I suggest that there is an inherent disability in naval or military circles to so place the emphasis. Military considerations are bound to come first. The system of rotation of officers makes it difficult, if not impossible, for long range programs to be worked out . . . . The unfortunate fact is that in the eyes of the islands and of the United States as a whole, naval administration on a permanent or semi-permanent basis would be taken as evidence that we have little concern with the civilian population and regard them as merely appurtenances of military establishments.

Presenting the view of the State Department, Mr. Benjamin Gerig said:

> America's traditional role as protagonist of the interests of non-self-governing peoples, its good will among peoples who are moving rapidly toward capacity for self-government or independence and its profession before the world of lofty principles of freedom and justice for peoples governed by others will be put to the test as America's own administration of dependent areas is critically examined in the forum of the United Nations.

Obviously the foregoing statements reflect careful preparation and a sincere point of view of the governmental agencies represented. It might be said in passing that, at that time, the United States had not become a target of anti-colonialism in the United Nations.

The New York Times, obviously in reference to the Congressional hearing, stated that:

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[5]Rupert Emerson and others, America's Pacific Dependencies (New York: American Institute of Pacific Relations, 1949), p. 125.

> The peoples of these islands are not numerous. The islands themselves are not of great economic importance. But they are our responsibility. The sooner they are placed under some civilian agency of the Government the better it will be, we believe, for the island peoples.[6]

In its first annual report to the United Nations on the Trust Territory,[7] The United States gave a detailed account of progress in the political, economic, and social fields. The report made it clear that the area, while strategically important, was no island paradise. In the subsequent deliberations in the Trusteeship Council on the report, Rear Admiral Leon S. Fiske, then Deputy High Commissioner of the Trust Territory, performed, for the first time, the exacting and tiring role of United States Special Representative whose task is to elaborate upon the report and respond patiently to the questions of the Council in regard to it. Admiral Fiske invited the attention of the Council to the realities of the Trust Territory. He mentioned the vast distances involved, eight distinct cultures, ten mutually unintelligible languages, scarcity of natural resources, difficulties with logistic support, efforts toward an indigenous governmental system, establishment of municipalities, and reiterated the belief of the Administering Authority that the Territory could not be made economically self-supporting in the foreseeable future.[8]

The Trusteeship Council commended the United States for the progress in political, economic, social, and educational advancement.[9]

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[6]The New York Times, July 8, 1948.

[7]U. N. Doc. T/329. [8]Ibid. [9]U. N. Doc. S/1358.

It did not feel constrained to voice even the mildest criticism of the handling of the Trust Territory under Navy auspices nor even to touch upon the contentious issue within the United States Government and the relative merits of civil government by the military versus civil government by a civilian arm of the government. As might be expected, however, the application of what subsequently came to be the usual anti-colonial Soviet tactics was experienced for the first time.

As noted above, the Trusteeship Council was the organ of the United Nations which considered the report of the United States administration of the Trust Territory from the outset. Technically speaking, the United States is not responsible to the General Assembly and its agency, the Trusteeship Council, but, rather, to the Security Council in as much as the Pacific Islands are designated a strategic area. The United States has agreed to accepting the review by the Trusteeship Council as a practical solution to the problem. This arrangement was formalized on March 7, 1949, whereby the Security Council reserved to itself full and ultimate responsibility for all actions concerning the strategic area while the Trusteeship Council would act, on its behalf, in all matters not concerned with the question of security including consideration of reports, examination of petitions, and sending of Visiting Missions subject to the relevant terms of the trusteeship agreement.[10]

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[10] R. N. Chowdhuri, International Mandates and Trusteeship Systems: A Comparative Study (The Hague: Martinus Nijhoff, 1955), p. 167.

On April 3, 1949, the President asked Congress for and obtained funds to shift the Island of Guam from Naval jurisdiction to that of the Department of the Interior. Also, after fifty-one years of rule in American Samoa, the Navy was to shift administrative control to the Department of the Interior on July 1, 1951. The Department of the Interior was to become also the administrator in the Trust Territory in 1951, but even in 1949, it was quite clear that the Navy's position in the Islands was weakening.

II. TIME LIMITS FOR SELF-GOVERNMENT OR INDEPENDENCE

Late in 1949 the General Assembly adopted a resolution /320 (IV)/ pertaining to the submission of concrete plans for the attainment of self-government or independence in the various trust territories.[11] This matter of a time limit continues to put American policy on the defensive. However, it should be realized that the United Nations Charter makes no mention of a time limit for the fulfillment of the objectives of the Trusteeship System and the past argument has been that, in the absence of stipulations for such in the various trusteeship agreements, trust powers were not obligated to engage in speculation of this sort, forecasting in advance the time limits required for bringing Trust Territories across the threshold to self-government or

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[11]For other evidence of the General Assembly's attitude in this regard, see U. S. Department of State, American Foreign Policy, 1950-1955 (Washington: U. S. Government Printing Office, 1957), pp. 247-261.

[1] See above, pp. 101-102.

independence.[12] This posture has become more difficult to maintain, however.

Although responsible officials tended to regard self-government as an ultimate goal for the future rather than an immediate objective, official statements, party platforms and the like constantly referred to self-government as the ultimate goal for the Trust Territory and presented an image striving in that direction. In his State of the Union Message in January, 1950, the President asked Congress to "provide a greater measure of self-government for our island possessions."[13] As an idealistic goal, one could have no quarrel with it. Furthermore, it voiced a proposition which was politically acceptable on the home front and calculated to reinforce a favorable image of the United States as an administering power with a commendable policy and record toward the dependent peoples it administered. Such expressions of the ideal and earnest desires, however, did not serve to change the practical situation and the conviction of those who were obliged to deal with realities, namely, that any abandonment of the policy of gradualness in the advancement of the Trust Territory would hinder rather than help the situation.

For its report on the administration of the Trust Territory for the year ending June 30, 1949, the United States again received a series of plaudits from the Trusteeship Council.[14] The Council was concerned,

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[12]Charmian Edwards Toussaint, The Trusteeship System of the United Nations (New York: Frederick A. Praeger, Inc., 1956), p. 60.

[13]The New York Times, January 5, 1950.

[14]U. N. Doc. T/470.

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however, about the amount of money the United States was spending on the Territory which it considered as excessive. In responding to questions on this situation, Rear Admiral Fiske noted that the islanders were paying only about $300,000 of their expenses out of local revenues whereas the United States was spending $7,000,000 annually. It is not surprising that some of the other administering powers raised the question of whether an administration which called for the outlay of several hundred dollars per capita annually could be viewed with anything but alarm. Other administering powers, with their limited budgets, could not envisage spending comparable per capita amounts in their trust territories. Ambassador Francis B. Sayre, United States Representative to the Trusteeship Council, replied to this criticism at the 14th meeting on June 22, 1950, pointing out that the "slender economic resources of the Trust Territory were limited to copra and a few phosphate deposits." He regarded it "essential that the United States Government should give generous and substantial financial assistance to aid policitcal, economic, social and educational development."[15]

It is interesting to note in passing that, at a later date, when the amounts of Federal appropriations were reduced, the United States was subject to criticism in the Trusteeship Council that it was spending too little. One can only surmise, but it seems logical to assume, that the current increase being proposed for fiscal year 1963 will result in the charge of overspending again.

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[15]U. N. Doc. T/SR. 297.

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[1] U. S. Const. Art. III.

Admiral Fiske replied to a number of questions posed by the Council in regard to government in the Trust Territory. He indicated that it was proposed to secure the enactment of organic legislation for the Trust Territory and that such legislation, in draft form, had been introduced into the 80th Congress (H.J.Res. 391 of April 29, 1948). It can be said that, aside from a brief enactment to provide a basis for annual appropriations for the Territory, no such legislation has yet been acted upon by the Congress.

Admiral Fiske announced that the President intended to transfer administration of the Trust Territory from the Department of the Navy to the Department of the Interior on July 1, 1951, and that the Navy was proceeding with plans to effect this transfer.

In response to a question based on the statement contained in the annual report that a "territory-wide legislative body" was being considered in the future, Admiral Fiske emphasized that such an organization would not be feasible for many years to come.

The report on the second year of United States administration revealed sincere interest in the people of the Trust Territory and progress toward the fulfillment of the undertakings of the Trust Power. The Trusteeship Council, which was disposed to commend the United States warmly for its administration, was obliged to reach the conclusion that the Islanders were benefiting from Navy administration. Yet, despite a record of successful administration, the Navy was preparing to relinquish its jurisdiction in the islands.

III. ORGANIC ACT FOR GUAM

In commenting on the fact that draft organic legislation for Guam was being debated by the United States Congress, the New York Times of June 24, 1950, spoke in glowing terms of a complete new deal for the Pacific Island Territories. The following day the Times correspondent, Tillman Durdin, extended his thoughts beyond Guam to other Islands of the Northern Marianas suggesting that their 10,000 inhabitants might ultimately be joined with Guam and, subsequently, become incorporated within the United States.[16] Ideas of this sort are still very much with us and occur to anyone who studies the map and speculates on the political future of the Northern Marianas.

The Senate on July 26, 1950, approved by unanimous vote an Organic Act for Guam. The legislation passed the House on July 31, 1950, and President Truman signed the Act on August 1, 1950.[17] Under the Organic Act (Public Law 630), the Guamanians became citizens of the United States, although Guam did not become an incorporated territory. Provision was made for the people to elect their own Legislature and the establishment of a civil judiciary integrated with the Federal judiciary.

For the Guamanians, an era had ended and a new one was in the offing. Although perhaps few of them realized it, the inhabitants of

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[16]The New York Times, June 25, 1950.

[17]Annual Report of the Governor of Guam to the Secretary of the Interior (Washington: U. S. Government Printing Office, 1956), p. 2 and passim.

III. CONGRESS AND THE WAR

In connection with the less than overt attempt [illegible] was being debated by the United States Congress, the New York Times of June 21, 1917, wrote in alarming terms of a conflict now dear to the Hostile United Territories. The following day the Times correspondent, Tillman Durdin, elaborated his theories [illegible] like Bentham Gerhardt suggesting that there [illegible] without[illegible] be joined with Germ and, consequently, [illegible] within the United States.[16] Even if that were [illegible] of not power to impose the penalty [illegible] cal future of the Bohemian revolution.

The events of July 24, 1917, appeared to [illegible] Department Act for Gun. The [illegible] and Pennsylvania [illegible] Department Act [illegible] United States, although [illegible] Pennsylvania was seen for the second [illegible] subsidiary of a vast [illegible] acting. Although certain [illegible] For the [illegible] [illegible]

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[16]The New York Times, June 25, 1917.

[17]Annual Report of the Governor of [illegible] and Pennsylvania, [illegible] p. 7.

the Trust Territory, who within the lifetime of some had witnessed repeated changes in flags and administration, were also nearing the end of an era.

IV. THE FIRST UNITED NATIONS VISITING MISSION

Paralleling these developments in time was the dispatch of the first regular United Nations Visiting Mission to the four Trust Territories in the Pacific Area. It visited the Trust Territory of the Pacific Islands from April 15, 1950 to May 2, 1950. During the course of its tour of the Territory, as indicated in its subsequent report,[18] it received several petitions calling for the annexation of the Trust Territory to the United States and the granting of United States citizenship. One such request from the House of Council and the House of Commissioners of Saipan stated that the people of the Northern Marianas wished to be incorporated into the United States either as a possession or a territory and to attain United States citizenship.[19] This particular request presents an interesting problem with manifold ramifications.[20] Self-government or independence, as has been brought out earlier, are the only goals indicated in the United Nations Charter. One needs to recall at this juncture that the principle of self-determination is contained in Article 1 and Article 55 of the United

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[18]U. N. Doc. T/789.

[19]U. N. Doc. T/PET 10/5.

[20]For a more complete discussion of the following point, see Toussaint, op. cit., p. 59.

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Japanese vessels to flee and subsequently, more that meeting in and
at Ha are.

IV. THE POLICY UNDER WHICH TERRITORY EXISTS

Resisting these developments is them are the objects of the
first regular United Nations visiting mission to the Trust Territories in the Pacific Ocean. It visited the Trust Territory of the Pacific Islands from April 17, 1950 to May 8, 1950. During the visit of the team of the Territory, as indicated in its subsequent report,[12] it received several petitions relating to the organization of the Trust Territory in the Pacific Ocean and the granting to United States citizenship. One such petition like the first at least in the case of the Commissioners of Japan stated that the people of the Marianas Islands in the Micronesia or a Territory in which United citizenship.[13] This petition the request pursuant to interesting petition with Pacific residents.[14] Anti-Japanese or Micronesian, is an Iwo Jima groups and entire, are the only Pacific Islands in the United States Navies. One means to result in this Journey that the principle of Self-determination is mentioned in petition , the Article 73 of the United

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[12] U. Nos. (1950).

[13] S. Doc. 1951 1952.

[14] For a more complete discussion of the Micronesian people, see Thomas, 38 Geo. L.J. 1-, 1- 50.

Nations Charter. What happens, one may ask, to this principle if the people of a Trust Territory are denied the option of some alternatives to independence as an ultimate status?

V. PREPARATIONS FOR TRANSFER

With the knowledge that the administration of the Trust Territory would be transferred to the control of the Department of the Interior in 1951, the two departments concerned prepared for the next step in island government. One major problem was the setting up of an effective civilian air and sea transportation complex. With the stringent budgetary limitations of Interior, this was critical. Indicative of Interior's concern about this problem was the survey conducted by a group of experts to determine the best means of establishing civilian transportation services in the Trust Territory. Headed by Emil J. Sady, then Chief, Pacific Branch, Division of Territories and presently a member of the staff of the United Nations, the survey team made an exhaustive study of the problem. Some idea of the magnitude of the task of providing transportation can be gained from the knowledge that the estimated 1949 cost of operating Trust Territory ships under naval administration equaled $2,458,960.48.[21] This figure does not even reflect such expenses as original cost, depreciation, and hull insurance. It is, therefore, not surprising that Secretary of the Interior Oscar L.

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[21]Emil J. Sady and others, Report of a Transportation Survey on the Means of Establishing Sea and Air Transportation in the Trust Territory Under Civilian Control for the U. S. Department of the Interior and the Department of the Navy (Washington: U. S. Department of the Interior, April 1950), p. 21.

It is, therefore, not surprising that Secretary of the Interior Dean L.

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[21] Basil L. Dean and others, Report of a Transportation Survey on the Needs of Substations Now and All Transportation in the Trust Territory [Guam: Civilian Advisor for the U. S. Department of the Interior, Spring 1950], p. 22.

Chapman announced on November 2, 1950, that it was the intention of his Department to establish adequate civilian transportation by the middle of 1951, but that the transfer of jurisdiction would be contingent on this. Such was, and certainly still is, the importance of transportation in the vast distances of the Trust Territory. It might be noted, in summary, that the Navy gave certain equipment, planes, ships, and the like, to Interior and the transfer of jurisdiction took place on schedule.

Commenting, on February 16, 1951, about the annual report of the Trust Territory for the period ending June 30, 1950,[22] Rear Admiral Fiske assured the Council that United States authorities were moving ahead in the economic, social, and political fields. Again, the two main problems--the geographic factor and the cultural factor--were emphasized as contributing to the great difficulties in administering these far-flung bastions. He announced to the Council that, in anticipation of a forthcoming Executive Order, Mr. Elbert E. Thomas had assumed office as prospective High Commissioner on January 8, 1951. In keeping with the indicated desires of the President, the military staff was gradually being replaced by a civilian staff.

The Soviet Union, as usual, felt that the United States was not fulfilling its obligations under Article 76 of the United Nations Charter. Its representative, Mr. Aleksander A. Soldatov, stated that, "It was clear that the Trust Territory was governed by a highly

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[22]U. N. Doc. T/808.

centralized system of military government which precluded the participation of the indigenous population in the Territory's administration.[23]

In its report to the Security Council,[24] the Trusteeship Council, by implication, refuted the charges of the Soviet Representative when it noted with approval the political progress made, the establishment of Congresses and the advancements in economic stability.

Except for Soviet protests, the United States, in the eyes of the international community, had completed another year of effective administration. The spirit of the Trusteeship Agreement which, according to some critics, had been weakened by our insistence on a strategic concept, had been strengthened. The United States had translated its ideals into plans, and plans into action. Our record, if not spectacular, was, nevertheless, worthy of praise.

On June 29, 1951, President Truman signed Executive Order 10265[25] transferring administrative responsibility for the Trust Territory from the Department of the Navy to the Department of Interior effective July 1, 1951. When authority in the Trust Territory passed to Interior on July 1, 1951, the philosophy of civilian control, which had, as a practical matter, been put in abeyance, at the outset, in at least all of the non-contiguous territories of the United States, had become applicable in all territories subject to the jurisdiction of the United

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[23]U. N. Doc. T/SR. 328.

[24]U. N. Doc. S/2069.

[25]Infra, Appendix D.

[illegible]

States. However, as will be seen below, at least one step in the opposite direction was to be taken by the restoration of Naval administration in the Northern Marianas in 1953.

CHAPTER V

DIVISION OF RESPONSIBILITY

The late Elbert E. Thomas, who officially inherited the mantle of High Commissioner on July 1, 1951, in a statement shortly after embarking upon his new assignment, revealed his appreciation concerning the problem of administering the Trust Territory.[1] He emphasized the challenge of government over a people who had known Spanish, German, Japanese, and, finally, American control with the resultant confusion and uncertainty. The strategic value was again mentioned noting that peace in the Pacific was extremely vital to America and American interests and that the central position of the islands would help insure this peace. Mr. Thomas reiterated the basic problems of transportation, economics, education, and health.

The Department of the Interior was now fully responsible for the Trust Territory of the Pacific Islands. The Navy, although not responsible in the Trust Territory for administration, retained its office in the Pentagon in order to handle security reviews plus the administration of the Bonin Islands.[2] It appeared that the bitter bureaucratic struggle in Washington for control of the Trust Territory had resulted in a *fait accompli* for the Department of the Interior.

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[1]*The New York Times*, July 29, 1951.

[2]*Infra*, Appendix T.

CHAPTER 3

ADMINISTRATION OF DEPENDENCIES

The late Albert E. Thomas, who officially inherited the mantle of High Commissioner on July 1, 1921, in a statement shortly after assuming upon his new assignment, revealed his unrealistic conception of the problems of administering the Trust Territory.[1] He emphasized the obligations of government over a people who had been peaceful, primitive, and, literally, heathen content with the simplest conception and necessities. The philosophic vision was again manifest when Thomas in the Pacific was extremely wise to declare that American Samoans and that the ceremonial garbing of the talking chief were theirs alone. It tended reinforced the basic principles of independence, nationality, and health.

The transfer of the Islands to the civil responsibility of the Trust Territory of the Pacific Islands. The Navy, although was responsible in the Trust Territory its administration reviewed its ability to the Pacific to render to Japan assuredly retires into the administration of the Pacific Islands.[2] It appears that the Navy's unnecessarily burdensome in handling the control of the Trust Territory has resulted in a fail accomplish for the objectives of the mandate.

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[1] The New York Times, July 2, 1921.

[2] Taylor, Appendix I.

On March 20, 1952, at the Tenth Session 403rd meeting of the Trusteeship Council, the examination of the annual report on the administration of the Trust Territory for the period ending June 30, 1951, (T/950) commenced. Mr. Thomas, in his capacity as Special Representative of the Administering Authority, performed the role of advising the Trusteeship Council anew of the realities of administration of the territory. He commented on the 55,000 inhabitants scattered over numerous islands and island groups plus the differences in language, custom, and social organization.[3] The difficulty in transferring control from naval to civil administration was emphasized, especially in regard to transportation. Copra production, the economic backbone of the Trust Territory, it was noted, was being gradually reestablished after the severe war damage.

At the 404th meeting, Mr. W. A. C. Mathieson, Representative of the United Kingdom, raised an issue which was to be emphasized more and more, i.e., the possibility of developing a self-sustaining economy.[4] Mr. Thomas conceded that the islands had experienced their greatest prosperity during the Japanese occupation. Mr. Mathieson asked if it would not be better to gear the economy of the Trust Territory to Japan rather than the United States. In this regard, one can note in passing that it has been the policy of the United States in the Trust Territory to prohibit any nation from investing in the Territory. Some selected

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[3]U. N. Doc. T/SR. 403.

[4]U. N. Doc. T/SR. 404.

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[5] R. Doc. T/PV. 1021.

[6] R. Doc. T/PV. 1021.

United States companies are currently entering the Territory; but this has not been, by any means, the rule through the years. Micronesian products can be exported to the United States but are subject to high import duties.[5] The whole idea of a self-sustaining economy is a commendable one; but, as Mr. James McAuley has observed, there is often a wide discrepancy between the simple view officially taken and the great reservations which experienced officials usually feel.[6]

In contrast to the favorable response of other members of the Trusteeship Council, Mr. Aleksander A. Soldatov, Representative of the Soviet Union, at the 405th meeting, proved to be an aggressive dissenter.[7] In part, he accused the United States of repression and oppression of the native population. According to Mr. Soldatov, the United States was attempting to perpetuate tribal society in the islands in direct contradiction of the objectives of the United Nations Charter.[8] Obviously, the Soviet Representative's comments were not intended to be of assistance to the Trusteeship Council in dealing constructively with its annual review of United States administration of the Trust Territory.

At this same time, the extent of public interest in the United States about the territory and our responsibilities for promoting its

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[5]Harold Karan Jacobson, "Our 'Colonial' Problem in the Pacific," Foreign Affairs, October 1960, p. 61; and U. N. Doc. T/1484.

[6]James McAuley, "Paradoxes of Development in the South Pacific," Pacific Affairs, Vol. XXVII, June 1954, pp. 138-149 et passim.

[7]U. N. Doc. T/SR. 405.

[8]U. N. Doc. T/SR. 406.

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advancement was reflected in the 1952 Democratic Party platform which called for increased self-government for the peoples of the islands.[9]

1. JURISDICTION OVER SAIPAN AND TINIAN REASSIGNED TO THE NAVY

On December 1, 1952, High Commissioner Thomas received instructions from President Truman to return Saipan and Tinian to Naval jurisdiction.[10] Executive Order 10408, dated November 10, 1952,[11] stipulated that the transfer was to become effective on January 1, 1953. No reasons were given for this transfer of control other than the needs of national security. Mr. John Collier called it "an ominous violation of the democratic principle of civilian administration of dependent peoples."[12] He went on to compare the islands with the strategic island of Malta which never had its civilians placed under military rule. He did not hesitate to place responsibility on the Navy Department for the prospective transfer and went on to predict further the fall of the Guam Organic Act under Navy pressure. Mr. Collier evidently failed to consider it at all possible that the Navy had been ordered to resume responsibility in some of the islands as a matter of over-all United States policy. The obvious question which emerges is: Why did the Navy resume responsibility for the United States administration in Saipan and Tinian?

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[9]The New York Times, July 24, 1952.

[10]Ibid., December 2, 1952. [11]Infra, Appendix E.

[12]The New York Times, January 18, 1953.

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[9]The New York Times, July 31, 1921.

[10]Ibid., December 5, 1921. [11]Ibid., Appendix E.

[12]The New York Times, January 17, 1921.

Only in recent months has any unclassified information concerning a Navy Technical Training Unit on Saipan come to light. Suffice it to say, there is no information in detail on this subject, and the author has made no effort to seek out such information. As will be seen in a subsequent chapter, the disestablishment of this Navy Unit on June 30, 1962, has led to the transfer of jurisdiction of the Saipan District back to Interior. But this is getting ahead of the story: In 1952, it would seem that the image drawn by some critics of the Navy straining to gain control of the Northern Marianas was a false one. The decision to reassign responsibility for the Saipan District to the Navy was quite clearly taken at the highest level within the Government for compelling and justifiable reasons of national interest. The Navy did not seek jurisdiction, but, rather, was ordered to resume control as a result of a Department of Defense decision.

II. EARLY DEVELOPMENTS UNDER DEPARTMENT OF INTERIOR CONTROL

On December 22, 1952, High Commissioner Thomas signed the Code of the Trust Territory of the Pacific Islands, thereby providing a set of laws for its government and prescribing the relationship of the government to outsiders. It should be noted that the High Commissioner has the power to make or amend laws by executive decree without review by higher authority. Although a separate judiciary system responsible to the Secretary of the Interior has been established, the right of appeal

to higher authority for review of laws established by the High Commissioner is limited.[13]

Mr. Frank E. Midkiff of Hawaii replaced Mr. Thomas as High Commissioner following the latter's death at his post on February 11, 1953. Thus, the new High Commissioner was called upon to serve as the Special Representative of the United States when the Trusteeship Council considered the annual report on the Trust Territory for the year ending June 30, 1952 (T/1047, T/1055, T/1062). Commenting upon the transfer of administration of Saipan and Tinian from the Department of the Interior to the Navy, Mr. Midkiff observed that the Navy was continuing the policies of the government and administration established by the Department of the Interior. As an indication of continuity of policy, it was acknowledged that Interior had previously taken over basic policy as developed in the period of administration by the Navy.[14]

Frequent reference to the Report of the United Nations Visiting Mission to Pacific Trust Territories carried out from February 16 to May 16, 1953 (T/1077) was made. Attention was invited to the Visiting Mission's emphasis on the comments of Admiral Radford, the Commander in Chief of the Pacific Fleet, concerning cooperation with the High Commissioner on matters concerning Saipan and Tinian. Division of responsibility was to become a constant source of comment and criticism both within the Trusteeship Council and among various writers. One

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[13]Audit Report to the Congress of the United States on the Trust Territory of the Pacific Islands for the Fiscal Years Ended June 30, 1953 and 1954, by the Comptroller General of the United States, p. 21.

[14]U. N. Doc. T/PV. 467.

to bipod mandate[1] for Middle of Iowa [illegible] by the Mid-Continent Power Co [illegible]

[illegible] Power Co. Tribute of Power [illegible] by Power or Mid-Continent Power Co [illegible] Thus, the new High Commissioner was called upon to move in the general improvement of the Metis [illegible] [illegible] Commonwealth upon the cessation of administration of Indian and Eskimo Affairs from the Department of the Interior to the Army, Mr. Scully observed that the Army was considering the petition of the government and administration represented by the Governor of the Interior. It is in anticipation of continuity of policy, it was recommended that Interior not previously under any metis policy be developed in the period of administration by the Army.[2]

Previous reference to the report of the Metis Betterment Planning Branch to the Privy Council was made. Attempts were lacking to the existing Minister's authority on the committee of Control Section, the Secretary to Chief of the Metis Plan, concerning responsibilities also the objectives or policy concerning Metis and Indian. Division of responsibility was to secure a decision source of command and relative duty within the Interdepartmental Committee Metis Affairs, the

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[1]Metis Report is the Congress of the United Nations on the [illegible] Territory of the Metis [illegible] Alberta for Mid-Canada Power Co. [illegible] and [illegible] by the Conservation Service of the United States, p. 81.

[2]E. Doc. 7/Pa. 117.

critic, Mr. George A. Codding, Jr., contended that although the Departments of the Interior and Navy were authorized to deal directly with each other in coordinating programs, there was evidence of differing standards of administration.[15]

The Mission had noted that the Chamorros of the Saipan District had little in common with other islanders and, as a result, special attention would be required to preserve the unity of the Trust Territory. The more advanced level of the people of Saipan seemed evident from their Petition to the United Nations of March 11, 1953 (T/PET. 10/8). This Petition requested consideration of the following:

1. Physical restoration of war-damaged property.
2. Compensation for the occupation of private property from July 10, 1944 to June 30, 1949.
3. An Organic Act for the Trust Territory.

From the annual report, the Visiting Mission's Report, the deliberations of the Trusteeship Council, as well as the content of the various petitions, it seemed evident that, in 1953, there was a sense of growth in the Trust Territory. At the same time, a situation was developing which was to cause representatives of the United States in the Trusteeship Council much difficulty, the division of administrative responsibility.

III. JOINT RESOLUTION 6

Recognizing that passage of organic legislation for the Trust Territory was not probable in 1953, the Secretary of the Interior, in a

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[15]George A. Codding, Jr., "The United States Trusteeship in the Pacific," Current History, Vol. XXIX, December 1955, p. 360.

[illegible] Mr. George R. Dowling, Jr., considered that although the Legislature of the Dominion may have very authority to deal directly with each other in coordinating programs, there was evidence of willingness [illegible]

The Minister had drawn that the Conference of the Colonial-Dominion Relations to remain with other territories and, as a result, special attention would be required to preserve the unity of the Trans Dominion. The main [illegible] of the people of Malaya showed evidence [illegible] their Petition to the United Nations of March 11, 1950 (T/Pet. 1a/2). This Petition requested consideration of the following:

1. Physical reconstruction of war-damaged property.
2. Compensation for the occupation of private property from May 10, 1940 to June 30, 1950.
3. An Appeals Act for the Trust Territory.

From the annual report, the Visiting Mission's report, the deliberations of the Trusteeship Council, as well as the counsel of the various petitions, it seemed evident that, [illegible] there was a sense of pursuit in the Trust Territory. At the same time, a discussion was developing which was to cause considerable of the United States to the Trusteeship Council some difficulty, the question of administrative responsibility.

[illegible] ADMINISTRATION

Recapitulating that passage of organic legislation for the Trust Territory was not possible in 1950, the Secretary of the Interior, in a

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[illegible] R. Keesing, Jr., "The United States Trust Territories in the Pacific," Current History, Vol. XXIX, November 1955, p. 320.

letter to the Congress dated May 7, 1953, requested a Joint Resolution of Congress to give statutory authority on an interim basis for the continuance of civil government in the Trust Territory. Except for various appropriation acts, the Congress had taken little action on the Trust Territory since it adopted House Joint Resolution 233 of July 14, 1947, (61 Stat. 397, Public Law 204) authorizing the President to approve the Trusteeship Agreement negotiated between the Security Council and the United States, thereby bringing the Agreement into force. It is true that efforts had been made to fit an Organic Act to the huge frame of the Trust Territory. One recalls H. J. Resolution 391 of April 29, 1948; S. 2992 of April 9, 1952; and H. R. 5381 of May 25, 1953. All failed to receive the necessary support for implementation. As will be discussed in a subsequent chapter, the fight for organic legislation continues today as evidenced by H. R. 9278 of September 18, 1961.[16] There seems little reason to take an optimistic view with regard to this latest effort. The reasons for delay in following through with organic legislation for the Trust Territory have doubtless been quite involved. Unlike the case in Guam, the position of the United States in the Trust Territory is not absolutely sovereign. United States action regarding the Territory is subject to review by the United Nations, including the strategic classification of the Territory and its use as an area for nuclear testing. The Territory figures very importantly in United States national and global defense considerations. Whether an ultimate

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[16] Infra, Appendix Q.

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[16]Infra. Appendix C.

determination of the future status of the Trust Territory has been made, it is difficult to say. Certainly, the Congress has not considered any such status in open session. For this reason, as well as for the others listed, it becomes quite obvious that the Government deems it wise to proceed cautiously and slowly in any elaboration of fundamental law for the Territory. The lack of progress of H. R. 9278 appears to support this thesis.

As a basis for its appropriation for the Trust Territory, and to facilitate this annual process, Congress passed Joint Resolution 6 of June 11, 1953, which placed all executive, legislative, and judicial authority necessary for the civil administration of the Territory in such persons as the President might direct or authorize, as well as providing the authorization for expenditures.[17] This Act fell far short of an Organic Act.

The Truman administration, having failed to secure such a Congressional enactment, it seemed hopeful that action in this regard might be more successful during the Eisenhower administration. In his Budget Message for the 1955 fiscal year, President Eisenhower recommended that "the Congress enact at an early date legislation establishing the basic form of government for the Trust Territory to replace the present temporary arrangements.[18] On June 30, 1954, Public Law 451 (S. 3318) to provide for a continuance of civil government for the Trust Territory

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[17]U. S. Congressional Record, 83rd Congress, 1st Session, p. 6415.

[18]The New York Times, January 22, 1954.

of the Pacific Islands was passed (68 Stat. 330). Although this Act established a ceiling of $7,500,000 for the administration of Micronesia, it went no further in the matter of organic legislation than to continue the authority of persons appointed by the President.

One can assume from the references to this subject by United States spokesmen at the United Nations and elsewhere that organic legislation has been a hope cherished by Micronesians for a very long time. Nonetheless, the conduct of government in our Island Trust continues to be based upon the Executive Order of the President or decree of the High Commissioner.

IV. RESUMPTION OF NAVY JURISDICTION IN THE NORTHERN MARIANAS, MINUS ROTA

President Eisenhower on July 17, 1953, signed Executive Order 10470[19] transferring administration of all the Northern Mariana Islands of the Trust Territory except the Island of Rota to the Navy Department. Circumstances were similar to the promulgation of Executive Order 10408--publicity was nil and one can only make suppositions as to the reasons for the transfer. Implications of national security were contained in the terse press reports about the transfer, however.

There is reason to suppose that the retention of Rota by the Department of the Interior was the result of its desire to retain a foothold in the Northern Marianas. The present writer has been advised

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[19] Infra, Appendix F.

by individuals in positions of responsibility for matters pertaining to the territory that the retransfer to the Navy Department came as a surprise and a shock to Interior. Its retention of Rota is the most it could salvage from the situation, thereby retaining some basis for a policy voice in the Northern Marianas. Interior could argue that it was contrary to established policy to relinquish responsibility for any areas not essential for military purposes. There appears to have been no other explanation; for, ethnically, linguistically, culturally, and geographically, Rota is an integral part of the Northern Marianas.

It is understandable that the people of Rota should have found onerous the division of jurisdiction which operated to deprive them of their national ties with the people of Saipan. As Mr. Robert Trumbull noted, at the time, in his book, Paradise in Trust, "All the Rota people ask, I gathered, is to be able to travel freely to Guam and Saipan. Under the present set-up, however, both these neighboring islands are off limits to the Rotanese except by special permission."[20] This situation, of course, has been changed by the transfer of the Saipan District to the Department of the Interior.

V. SUBSEQUENT REPORTING TO THE TRUSTEESHIP COUNCIL

The High Commissioner, Mr. Frank Midkiff again served as the Special Representative of the United States when the Trusteeship Council examined the annual report on the Trust Territory for the period ending

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[20]Robert Trumbull, Paradise in Trust (New York: William Sloan Associates, 1959), p. 15.

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June 30, 1953 (T/1118, T/1112). In his opening statement,[21] he referred to the plans to transfer the headquarters of the High Commissioner from Honolulu to Guam, thereby bringing into the open a matter of interest and concern to the Council--the locating of the headquarters in Hawaii so far from the Territory. Although Guam is not de jure a part of the Territory, it certainly is tied more closely to the area than Hawaii.

Mr. Midkiff demonstrated the difficulty and precariousness of one's position when he attempts to anticipate and forecast action by the United States Congress--he stated that organic legislation was to be enacted by June 30, 1960. As has been noted, no action has been taken on this very important matter to date.

In what was to be another of a long series of queries and criticisms relative to the division of responsibility in the Trust Territory, the late Pierre Ryckmans, Representative of Belgium, voiced his concern about the distinction drawn between the Territory as a whole and the Saipan District. Mr. Midkiff explained that the United States Government had the right for strategic reasons to place any part of the Territory under military government. However, as he noted, the Saipan government was not a military one, but, rather, a civil government under the Navy and that the closest contact was maintained with the representatives of the Department of the Interior.

Quite obviously, the matter which outweighed all others during 1954 and for a considerable period thereafter was the problem arising

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[21] U. N. Docs. T/SR. 550 and T/SR. 551.

from nuclear testing in the Marshall Islands and the damage from fall-out to eighty-two Micronesian inhabitants in the Rongelap and Uterik atolls. Development of this important item would lead us far afield and can be only touched on briefly. The issue aroused serious concern on the part of all Members of the Council, and there were threats of a resolution denouncing the United States.

Efforts to provide care for the parties involved have lessened the impact of this unfortunate miscalculation. Compensation has been paid to affected individuals and they have had extensive medical care and treatment. The Atomic Energy Commission has built new houses, a school, and a community building. The Department of Defense paid them for loss of personal effects. Members of the House Subcommittee on Interior and Insular Affairs visited Rongelap in 1959 and found the inhabitants rapidly adjusting to the new changes of the old environment. There are various bills now before Congress to provide payment along the lines of "compassionate responsibility."[22] In view of the fact that the United States made an ex gratia payment of $2,000,000 to the Japanese Government on account of claims arising out of 1954 fall-out on a Japanese fishing boat and its crew, there is every reason to believe that one of these bills will pass the Congress in the near future.

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[22] Infra, Appendix L.

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VI. DEVELOPMENTS IN 1955-56

At the 615th meeting of the Trusteeship Council on June 14, 1955, the Special Representative of the United States was Mr. Delmas H. Nucker. Mr. Nucker had been appointed Deputy High Commissioner of the Trust Territory on August 16, 1954, and had served as Acting High Commissioner since September 1, 1954. In part, Mr. Nucker emphasized economic conditions. A contract had been entered into with a private firm to market the copra of the entire territory under the jurisdiction of a Copra Stabilization Board. Mining operations had ceased with the emphasis being turned to the agricultural sphere. With the cessation of mining, another facet of the Micronesian economy was cut off. According to Mr. Nucker, the problem of returning public domain to the Micronesians had been considered more fully.

In a general debate at the 619th meeting of the Trusteeship Council, while continuing the examination of the annual report of the Territory (T/1173, T/1179, T/1181), the by now often-heard question of coordination between the representatives of the Navy and Interior was again voiced.[24]

At its 709th meeting of the Eighteenth Session on June 19, 1956, the Trusteeship Council began its annual examination of United States administration of the Trust Territory (T/1244, T/1254). High Commissioner Nucker again served as Special Representative on the United

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[23] U. N. Doc. T/1179.

[24] U. N. Doc. T/SR. 619.

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States Delegation, answering questions on the annual report and supplying the Council with information on developments since those covered in the annual report for the previous year. It was expected that he would again be confronted with questions reflecting the Council's concern over the situation of divided responsibility. To these he again replied simply that the matter was "one for the United States Government as Administering Authority to determine in terms of total issues."[25] T

This session of the Trusteeship Council had the benefit of the report of its Visiting Mission to Pacific Trust Territories which toured each of the four territories earlier that year.[26] An examination of the Mission's report on its visit to Saipan and Tinian in February, 1956, reveals, in part, the following: The people of Rota indicated to the Mission that "union" was desired with Guam, Tinian, and Saipan. Mr. William Reyes, Chairman of the Eighth Saipan Congress took occasion in a letter to the Visiting Mission dated February 13, 1956, to commend the United States for their assistance as Administering Authority. In addition, he commented on the great advantages offered by the educational and health measures instituted by the United States.[27]

In particular, the Mission noted the dissatisfaction among the inhabitants of the Marianas with its division into separate Districts. The fact that travel documents were required of citizens of the Trust Territory desiring to enter Guam and the Saipan District was the cause of some serious criticism.

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[25]U. N. Doc. T/SR. 710. [26]U. N. Doc. T/1255.

[27]Annex I to U. N. Doc. T/1255.

Although recognizing that it did not possess sufficient information to analyze administrative arrangements caused by strategic considerations, the Mission, nevertheless, recommended in conclusion that the Saipan District be transferred to the civil government of the Trust Territory. The fact that nuclear testing in the Marshalls had not necessitated the establishment of a District Naval Administration appears to have influenced their recommendation.

VII. DEVELOPMENTS IN 1957-58

The Report of the Trusteeship Council to the Security Council on the Trust Territory covering the period from August 13, 1956, to July 12, 1957,[28] noted that the annual report of the United States on the Administration of the Territory for the period ending June 30, 1956,[29] had been commended by the Council. It also made reference to the administration of the Territory under a divided system. With the passage of time, it becomes quite clear that there was growing dissatisfaction in the United Nations with regard to this particular point.

At the 894th meeting of the Trusteeship Council on June 16, 1958, examination began on the annual report of the Administering Authority for the period ending June 30, 1957.[30] The veteran United States Special Representative, Mr. Nucker, reported that during 1957 some

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[28] U. N. Doc. S/3852.

[29] U. N. Doc. T/1316.

[30] U. N. Doc. T/1383, T/L. 850.

[59] S. R. Rev. 2/1/52.

[60] S. Doc. 2/1/52.

[61] H. R. Doc. 2/1951, 82d.

significant events had occurred. Three disastrous typhoons had destroyed vast numbers of coconut palms in the copra-producing areas. This disaster served to underscore the fact that the Micronesian economy, with its slim margin of possible gain, was the more precarious because it was subject to all the vagaries of tropical weather.

It was noted that the Micronesian Title and Pay Plan had been revised during the year. In this regard, one might be aware that the Micronesian Title and Pay Plan does not apply in the Saipan District. In this District the pay scale is somewhat higher.[31] Whether this will remain so under the new administration of the Interior Department is not known. It would seem unlikely that any radical changes would be made, however.

An event which Mr. Nucker considered "outstanding" was the second Inter-District Conference of Micronesian leaders. He expressed his belief that development of the feeling of mutual understanding and a community of interests essential for the emergence of the idea of unity and common entity can best be promoted at events of this nature.

At the 895th meeting of the Trusteeship Council of June 15, 1958, Mr. Nucker, in reply to a question posed by Mr. Urrutia Aparico, Representative of Guatemala on the transfer of Tinian and Saipan to civil authorities, for the first time, indicated that the United States was "now considering whether all three islands [Rota, Saipan, and Tinian] should be placed under the control of the Secretary of the Navy

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[31] U. N. Doc. T/1484.

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[1]S. Sen. 7/1960.

or whether it would be better to transfer Tinian and Saipan from the control of the Navy to that of Interior."[32]

Indicative of the interest in Micronesia was the visit to the Islands in 1958 of veteran newsman, Robert Trumbull of The New York Times. His dispatch to the Times (April 11, 1958) and his subsequent book, Paradise in Trust, constitute valuable reporting on this little known part of the world.

As an indication of public sentiment, Mr. Elias Sablan, member of the United States delegation to the Trusteeship Council in June, 1955, noted to Mr. Trumbull that, "If a plebiscite were taken, ninety-nine per cent of the people would vote to become a territory of the United States like Guam."[33] Mr. Ignacio Benevente, the mayor of Saipan, was outspoken in his praise of Naval administration.[34]

Reporter Trumbull considered the Navy hospital, for both the Americans and the Micronesians, the best in the Trust Territory. He considered the Navy's physical set up as being "far better maintained." In contrasting the Navy's maintenance of its establishment on Saipan with the rest of the Territory, Mr. Trumbull observed that, "the only extenuation /he/ could bring to mind for the indecent neglect everywhere in the civilian-administered areas was the frugality of the budget allotted to the Trust Territory by Congress."[35] There is some reason to

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[32]U. N. Doc. T/SR. 895.

[33]Trumbull, op. cit., p. 22.

[34]Ibid., p. 23.

[35]Ibid., p. 102.

believe that this criticism misses the mark. Although Congress has questioned the budget of the Trust Territory on numerous occasions, it has rarely failed to approve requested funds. The fault, if there be one, would seem to be found in the policy under which the Territory was run. Gradualism was the policy in the Trust Territory (indeed one could contend that it still is the policy). However, this is not an exact term--depending upon how one interprets it, the differences in expenditures can be enormous. This appears to have been the case in Micronesia: It was not deemed prudent, evidently, to request more funds because of the danger of over-subsidizing the indigenous population. Whether this policy was "correct" can be argued at length; the point remains that responsibility for the "frugality of the budget" should not, it would appear, rest on the shoulders of Congress.

Several chiefs on Palau manifested considerable insight and appreciation of the magnitude of the problem of developing territorial consciousness when they noted to Mr. Trumbull: "We certainly want an independent government of our own in the future, but it's going to be quite a problem to get the peoples of all the islands together to form one nation."[36] In view of the economic difficulties alone, not to mention the problems of distance, linguistic and cultural differences, this pessimistic viewpoint seems irrefutable.

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f [36]Ibid., p. 153.

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1 Ibid., p. 172.

VIII. 1959 AND THE FOURTH VISITING MISSION

The fourth United Nations Visiting Mission to the Trust Territory of the Pacific Islands set out from New York on February 4, 1959. Its extensive report to the Trusteeship Council, upon its return on April 25, 1959, to the United Nations, as in the case of previous reports, contains a good deal of valuable information bearing upon the Trust Territory.[37]

In the field of political advancement, the establishment of the Inter-District Advisory Committee to the High Commissioner was particularly noted. As might be expected, in the area of administration, the Mission pointed out the advisability of associating the people of Rota with the rest of the Marianas. Also, as might be expected, the division of responsibility between civil and naval authorities within the Trust Territory was subject to some criticism. The High Commissioner acknowledged that "considerable thought had been given to the suggestion of placing the entire Trust Territory under the civilian authority of the High Commissioner, but that this was a matter requiring a decision by the United State Department of the Interior and of Defense."

The examination of the annual report of the United States for the year ending June 30, 1958 (T/1453, T/1470, T/L. 912) commenced on June 29, 1959. In an interesting reply to a question from Mr. Rafik Asha, Representative of the United Arab Republic, on the future of an Inter-District Advisory Committee, Mr. Nucker, again Special

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[37]U. N. Docs. T/1447 and T/1484.

Representative of the United States, replied that the Advisory Committee was considered to be the forerunner of an elected body for all districts of the Trust Territory and that, in his opinion, there should be an elected body within five to ten years. Considering that the present High Commissioner M. Wilfred Goding now speaks of the newly-created Council of Micronesia as the nucleus of a territorial legislature not later than 1965, the prescience of Mr. Nucker is worthy of note.

Some indication that Rota would be joined with the rest of the Northern Marianas could be surmised from the Special Representative's subsequent statement that, "there was every possibility that in the near future there would be one administrator for the Marianas, with the exception of Guam, which was owned by the United States Government."[38]

Aspirations for unity were voiced in the petition forwarded to the United Nations by the Twelfth Saipan Legislature on September 25, 1959 (T/PET. 10/31). It requested that the United Nations take under serious consideration the incorporation of the Mariana Islands within the framework of the Territory of Guam. The petition went on to indicate that the Legislature had received response from the people of Saipan favorable to such a union. That the people of Guam were also amenable to the idea of integration is evidenced by Resolution 367 of the Fourth Guam Legislature to the Congress of the United States requesting the political reintegration of the Northern Marianas with the Territory of Guam.[39] Bearing on both the petition from Saipan and the

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[38]U. N. Doc. T/SR. 994. [39]U. N. Doc. T/1484 and T/PET. 10/31.

representative of the Union Theory, resolved that the Territory Committee was mandated to be the forerunner of an elected body for all Alaska of that Penal Institute was done, on his opinion, there should be an election only within its ten years. Depending that the present High Commissioner, Hilleve Rodney was opposed of the newly-created Council of Alaskans as the Governor of a territorial legislature was later then 1916, the presidency of Dr. Hoover is wrong of Navy.

Some Indictments that until Wright also the vote of the Eighteen Nations could be awarded into the Twenty Governments-in-waiting statement. "There was that possibility into it the Home future there would be one municipality for the Nations, with the exception of Iowa, which was taken by the United States Government.

Aspirations for unity were voiced by the Pueblo Territorial Legislature and the United Nations by the Pueblo Indian Confederation on September 13, 1939 (5)(6). It happened that the United Nations were under serious consideration the incorporation of the Federal Indians within the Treasury of the Territory of Iowa. The resolution held on to maintain that the Legislature had resolved requests from the people of Indian Territory to vote a bridge. That the treaty of Iowa were also responsible to the Iowa of Independence to withdraw by Resolution 307 of the Pueblo Iowa Legislature to the Congress of the United States requesting the political reincorporation of the Eighteen Nations with the Territory of Iowa.[7] Acting on both the petition from Indians and the

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[5] I. Ibid. C/Ex. Doc. 300. 2. Gen. T/Pub. and T/Pet. 10/31.

resolution of the Guam Legislature were the remarks of Mr. M. Rasgotra, First Secretary of India's Permanent Mission and Mr. Nucker, Special Representative of the United States at the 995th meeting of the Trusteeship Council in 1959.[40] In reply to a question posed by Mr. Rasgotra on the possible integration of Guam and the Northern Marianas, Mr. Nucker stated that, "the Administering Authority was under no obligation to take into consideration resolutions passed by the legislature of Guam, which was not a part of the Trust Territory. The situation would, however, be different if the people of Rota or Saipan should at any time clearly express a wish for unification with Guam."

Having come to appreciate the taxing role of the Special Representative, his obligation to respond promptly, patiently, and authoritatively to random and, sometimes, very complex questions, criticism of his performance comes reluctantly. But the proposition that the United States need not take into consideration the views of the Guam Legislature, though supportable juridically, is too debatable politically to warrant injecting it into the debate and trying to rally valid arguments to support it. Certainly if the United States were prepared to apply the principle of self-determination to Guam as well as the islands of the Trust Territory and abide by the outcome of the freely-expressed wishes of the people, one could expect that such expressions of views as these by the Guam Legislature and the Saipan petition would require due consideration by the United States Government. Furthermore, it is

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[40] U. N. Doc. T/SR. 995.

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[49] S. Doc. 2/58, 2nd Sess.

difficult to believe that Mr. Nucker was oblivious to the wide-spread nature of sentiment in Saipan in regard to reunification as expressed several months later by its legislature.

Should the United States decide in the future to follow the course advocated by the two local legislatures and adopt a policy of unification, either by sectors or territory wide, it is obvious from the discussion provoked by Mr. Nucker's observations that the United States could scarcely expect that local insular and United States national considerations alone would be weighed. The Indian Representative, Mr. Rasgotra, was quick to point out that neither the United Nations Charter nor the Trusteeship Agreement made any provision for detaching part of the Trust Territory and uniting it with a neighboring non-self-governing territory (an administration union is permitted). The Indian's reaction brings to the fore the long-standing suspicion within the United Nations of administrative unions between trust territories and adjacent non-self-governing territories, as provided for in a number of trusteeship agreements, and fears that they may lead to political unions.

The above is not to say, of course, that the United States could not or should not take such action as deemed necessary to support the desires of the Micronesians. If an administrative union or even annexation of the entire territory were considered desirable as a result of a United Nations-supervised plebiscite, it would be incumbent upon appropriate authorities to take such action as necessary to satisfy such demands.

The matter of closer ties, quite manifestly, is tied very closely to Guam. Full self-government with regard to Guam has not yet been achieved. It seems certain, however, that for the foreseeable future, the United States will remain sovereign there. It having been held by many that failure to fortify Guam prior to World War II was imprudent, policy in this regard has been reversed since 1945. Moreover, the subsequent provision of an Organic Act for Guam and accordance of United States citizenship to its peoples point to the Island's remaining American. Furthermore, this idea has the whole-hearted support of Guamanian Americans.

The idea of unification with the United States is also shared by many of the Trust Territory's citizens. Some observers even hold that a plebiscite held today throughout the Trust Territory would indicate an overwhelming desire to remain with or even join the United States. If such a plebiscite were held and the results indicated a strong desire to move into a closer relationship with the United States, a strong case could be presented and justifications provided by application of the vaunted principle of self-determination. Conjecturing such as this leads one to the tentative conclusion that the ironclad goal of independence, in spite of the temper of the times, may not be the only path down which a dependent area must inexorably go. Small (land wise), nonviable remnants of the colonial era may be well advised to retain their ties or even cement them with their sponsoring country.

In the case of the Trust Territory of the Pacific Islands, there is more than mere conjecture upon which to base such a conclusion. For

instance, the United Nations Visiting Mission to the Trust Territory in 1961 received many communications indicating a strong desire on the part of various groups to join with the United States. Two such communications are included as APPENDIXES I and J to afford the reader some idea of the intensity of feeling and line of argument taken by proponents of integration. Other communications from the Democratic Party, the Youth Association of the Saipan District, and the Fourth, Fifth, and Sixth Guam Legislatures follow the same line. This is not to say that all other Districts share the view of the Saipan District. The Yapese, for example, have indicated that they do not desire to join with Guam at this time. Their view is that more time is required to train people for responsible governmental positions. After such training, there evidently would be no objection to a single government.

Perhaps all one should say at this juncture is that there is a growing awareness of the future requirements of choice. Whether this awareness will blossom into a territory-wide vote of confidence for closer ties with the United States or will branch off in other directions such as full independence or agreement with another country is impossible to say. Nor would one be so presumptuous as to opt unequivocally for any one course; this will be, in the final analysis, the decision of the peoples of Micronesia.

IX. DEVELOPMENTS IN 1960

Some further insight into opinions held in the Trusteeship Council in regard to United States stewardship of the Trust Territory can be found in the Trusteeship Council's 1960 Summary Report.[41] This report shows that certain members were concerned about the future of the Inter-District Advisory Committee as a deliberative body. As might be expected, the division of responsibility between the Saipan District and the other Districts of the Trust Territory was the subject of much adverse comment. The integration of Rota with the Saipan District continued to command the attention of the Council. It also appeared that many representatives were not satisfied with the economic progress of the Trust Territory as a whole. The policy of excluding non-Micronesian investment from the area was believed to be detrimental to the economy of the Trust Territory. Financial assistance to the Trust Territory was not considered sufficient by many representatives. The fact that the fishing potential of the area was not being utilized was just cause for concern. The steady improvement in communication, in particular, surface transportation, was observed with satisfaction. Expansion of chartered trading companies indicated a healthy growth to some representatives. Advancements across-the-board in the fields of medical-health services and education were notably well received by a majority of the Council.

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[41] U. N. Doc. T/L. 982.

Council.

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[1] U. S. Dec. 773. 1949.

On balance, one could detect a general acceptance in 1960 by the Trusteeship Council of the basic practices of the United States in regard to her island trust with some serious reservations: economic progress, division of responsibility, and the gradualness of political advancement were areas in which the United States did experience embarrassing inquiries in the forum of the Trusteeship Council. Still, the Trust Territory had come a long way since 1950 when Professor Douglas Oliver had felt compelled to note that "cast off dungarees, a smattering of English and a mission handshake are not to be regarded as evidence of thorough Americanization."[42]

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[42]Douglas L. Oliver (ed.), Planning Micronesia's Future (Cambridge: Harvard University Press, 1953), p. 6.

[illegible] Oliver (ed.), Reading Cardozo's Torts (Cambridge Harvard University Press, 1960), p. 6.

CHAPTER VI

NEW DEVELOPMENTS IN THE TRUST TERRITORY OF THE PACIFIC ISLANDS

"The sociological museum approach" is finished according to officials of the Trust Territory of the Pacific Islands. Henceforth, there will be a "new frontier" in the Pacific.[1]

It is still forming and the exact pattern is less than clear, but there does seem to be a new feeling of hope for a more expansive future for the islanders of the Pacific. Firm indications that this feeling is based on more than mere lofty declarations of intent can be noted in many quarters: the willingness of officials concerned to admit that more must and will be done; the request of the present High Commissioner, Mr. M. Wilfred Goding, for a $10,000,000 appropriation for fiscal 1963 (an increase of $3,696,000); the passage of S. 2775 to provide for a new ceiling of $17,500,000 instead of the old one of $7,500,000;[2] the formation of the Council of Micronesia; the gradual replacement of United States officials with Micronesians; the submission of a new Organic Act for Congressional consideration;[3] the chartering of new municipalities; and, perhaps of greatest significance, the transfer of jurisdiction of the Saipan District back to the Secretary of the Interior, and the

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[1]The New York Times, February 12, 1962.

[2]Infra, Appendixes M and S.

[3]Infra, Appendix Q.

[illegible]

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[illegible]

designation of Saipan as the first provisional capital of the Trust Territory.[4]

As the divided administrative structure has been a constant source of United Nations criticism through the years, it must have been with a great deal of pleasure that the High Commissioner announced impending consolidation to the Trusteeship Council on May 31, 1962. The proposed transfer was first announced jointly on January 13, 1962, by Mr. Goding and Rear Admiral John S. Coye, Jr., Commander Naval Forces, Marianas. Before the official announcement had been made, however, an article concerning the transfer of administration was published in Newsweek magazine on November 20, 1961. As might be expected, this article caused some concern in the Trust Territory. The article was noteworthy both for its lack of clearance and lack of tolerance of Navy efforts in the Saipan District.

The above-mentioned events, plus a host of other events, lead one to believe that more attention now will be devoted to the problems of the Trust Territory than has been the case in previous years. This is not to say that the millenium has been reached; there are still many deficiencies to correct. While the men and women who actually work in the islands look hopefully toward Headquarters for much-needed aid, there is the realization that promises have been made before. Tin lean-to schools still exist; many teachers have never been beyond the sixth grade. Hospitals exist but their facilities, on the average, are less

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[4]U. N. Doc. T/SR. 1181; and infra, Appendix K, Executive Order 11021.

[1921].

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[1] In Dec. 1920, Lilly was [illegible] Assistant U. S. Executive Secre-

than satisfactory. The population has steadily increased; the budget in recent years has not. Economically, the territory has moved at a moderate rate. Outside investment has been allowed only under very special circumstances. It needs to be emphasized, however, that an entrepreneur class has developed through experience gained in such private corporations as the Western Carolines Trading Company, the Yap Trading Company, the Saipan Shipping Company, and some twenty other companies.

Perhaps the underlying doubt was best expressed recently by a village chief on the island of Moen in the Truk District. According to The New York Times reporter, A. M. Rosenthal, this particular dignitary "listened silently while an American from Guam spoke glowingly of the better days to come. Then the chief . . . rose and said: 'We have a bird called the kuling. All day long it flies around singing its own name. Where it comes from and where it goes we do not know. You remind me of the Kuling.'"[5] So there are some doubts in the minds of the Micronesians which can only be dispelled by more positive efforts. It now appears, however, that these efforts will be forthcoming under the planning of the new administration.

The 1961 Report of the United Nations Visiting Mission to the Trust Territory called for just this.[6] The United States, charged the Mission, had (1) done little to encourage economic development; (2) failed to maintain properly built and serviced schools; and (3) proved

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[5]The New York Times, February 12, 1962.

[6]U. N. Doc. T/1582.

[illegible]

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reluctant to place Micronesians in top positions. In sum, the Mission called for the United States to increase its efforts to prepare the Trust Territory for self-government or independence across-the-board. The Soviet Union, recognizing a propaganda advantage, attempted to force a General Assembly debate on conditions in the Trust Territory. The Trusteeship Council, by a 6-to-1 vote with six abstentions threw out the proposal.[7]

Again, one can see how vulnerable the United States has become as its administering role has been subjected to increasing scrutiny due to the decline in the number of Trust Territories and the anti-colonial strategy of the Soviet Union. If one takes an overview of the entire period of Pacific trusteeship, it is quite evident that pressures from the United Nations, particularly on the part of the Soviet Union, have increased considerably through the years. Although United States policy certainly is not made by the United Nations, it would be less than prudent to claim that United Nations criticism has not had a marked effect on our policy response toward the Trust Territory.

One might consider three diverse pressures that influence our Micronesian policy: First, there can be little doubt that the United States, throughout its history, has taken a stand which today would put it in the camp of the anti-colonialists. President Wilson's attitude toward self-determination could justly be called a symbol of our belief in the affording of the option of choice to dependent peoples. Our

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[7]The Washington Post, June 3, 1961.

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[1] The Washington Post, June 7, 1961.

record in the Philippines, Puerto Rico, Alaska, and Hawaii is positive proof of the substance of our declarations of intent. Although each area's path took different turns and some arrived at different destinations, one common element was their freedom to choose. In spite of the diatribes of the Soviet Union, this procedure appears to have been followed in Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

A second pressure which is largely external and one which has increased in intensity in recent years is that coming from the United Nations. Courses of action, time tables, and other recommendations from the United Nations have had a marked effect on our administration of the Northern Mariana, Caroline, and Marshall Islands.

Finally, one needs to consider the advent of a new national administration which, on balance, has shown some predilection for increased support of federal projects. Areas like the Trust Territory which have operated on smaller budgets now find a more favorable climate existing in which to present their requests for increased appropriations. The recent favorable response of the House Subcommittee on Territorial and Insular Affairs to the High Commissioner's budget request of $10 million is only one case in point.

New developments then will be affected by these three pressures as well as others. It is difficult to analyze the first. All one feels compelled to say about it is that everything that is done in the Trust Territory is colored by it. Our emotional and idealistic beliefs in the right of peoples to guide their own destinies permeates every action

taken. Perhaps Mr. Strike Yoma of Ponape, Fellowship Student at East-West Center, University of Hawaii, in an article entitled "A Matter of Ideals - A Micronesian Viewpoint," expressed it best when he noted:[8]

> Since the United States stands to gain neither economic nor political advantage from the dollars spent annually in aiding the development of Micronesia, what other reasons bind the United States to hang on to . . . Micronesia? The fact that there are neither economic nor political reasons, simply indicates the sincerity and devotion of the American people toward, not only their moral but their noble traditions and ideals: the sense of brotherly love and the willingness to help.

By way of contrast, it is less difficult to analyze the pressures from the United Nations or the new policies of the current administration. To this task we might now turn.

I. "THE UNITED NATIONS RECOMMENDS . . . "

In this rapidly changing world of newly emerging states, it is difficult to maintain any posture which does not appear completely dedicated to the idea of full independence for dependent peoples. Particularly is this so in the councils of the United Nations. There, the principle tends to become a fundamental right overshadowing all other considerations. It is in this milieu that American policy-makers are forced to operate. This is not to say that these officials are opposed to independence; quite the contrary is the case, but the concept has generally been applied only to major colonial holdings. It takes on quite a different light when focused on such tiny or scattered areas as Nauru or the Trust Territory of the Pacific Islands. What is to be done

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[8] Micronesian Reporter, March-April 1962, p. 20.

to these fragments of a past era? There, of course, is no one answer to this question, and it would be an unwise individual who would claim that decision-makers are not striving with every effort possible to find satisfactory solutions to the problems of outposts "too small to be viable yet large enough to constitute a political problem."[9] But, regardless of the logic of some degree of continuing dependency, the United Nations has tended to view any such interpretation with a jaundiced, if not hostile, eye. United States representatives, in particular, have been sorely pressed in this regard in presentations before the Trusteeship Council.

Mr. Jonathan Bingham, adviser on dependent territories to United States' chief delegate Adlai E. Stevenson and, since January 10, 1962, President of the Trusteeship Council, has had numerous opportunities to present the United States position on the future status of the Trust Territory. For example, in reply to a challenge from the Soviet delegate at the 1961 examination of conditions in the Trust Territory, Mr. Bingham stated that "the obligations of the United States were governed by the provisions of the United Nations Charter, including those of Article 76 (b). The concept of independence also embraced self-government in various types of association with another Power."[10]

The High Commissioner spoke in generally the same vein at the same meeting of the Trusteeship Council, noting that "the question of

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[9]The Washington Post, March 5, 1962.

[10]U. N. Doc. T/SR. 1149.

[illegible] [illegible] [illegible] [

the target date would have to be deferred until there had been a sufficient development of the political institutions and the people had had an opportunity to express their desire for a referendum."

This posture is becoming increasingly difficult to maintain, particularly in light of two Resolutions of the General Assembly which are referred to constantly in debates before the Trusteeship Council. Resolution 1413 (XV),[11] adopted at the 846th plenary meeting on December 5, 1959, calls for time-tables and target dates so as to create "favourable conditions for the attainment of self-government or independence."[12] Armed with this declaration of the full Assembly, some members of the Trusteeship Council (in particular the Soviet member) question vociferously the American failure to present the Council with a firm date for Micronesian independence. Resolution 1514 (XV),[13] adopted at the 947th plenary meeting on December 14, 1960, states quite unequivocally that "all peoples have the right to self-determination." "Inadequacy of political, economic, social or educational preparedness," it goes on, "should never serve as a pretext for delaying independence."[14]

The practicability of this concept of independence may be questioned; its use as a weapon in the trusteeship debates cannot. Time and time again, United States representatives find their presentations marred by deprecation of their efforts as not in keeping with these two

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[11] Infra, Appendix G.

[12] U. N. Doc. A/4354.

[13] Infra, Appendix H.

[14] U. N. Doc. A/4684.

[illegible], Appendix E. [illegible], 81, Doc. A/C.1/SR.

[illegible], Appendix B. [illegible], 8, Doc. A/1686.

Resolutions. Even though resolutions have no binding legal effect on Administering Authorities, they, nevertheless, exert a considerable amount of pressure; and it would be less than prudent to ignore these influential expressions of anti-colonialism.

One issue has made the United States position in the Trust Territory particularly vulnerable in the United Nations: the issue of nuclear testing. As will be recalled, in 1946, inhabitants of Bikini were moved to another atoll; another group was moved from Eniwetok. In 1954 the indigenous people of Uterik and Rongelap were moved because of atomic testing. The Rongelap islanders still complain of general malaise and have submitted a $8,500,000 suit for radiation and fall-out damage. To date this claim has not been settled, but H. R. 12048[15] was introduced on June 7, 1962, by Congressman Wayne N. Aspinall (D-Colorado), able Chairman of the Committee on Interior and Insular Affairs, to provide "the sum of $1,000,000 to remain available until expended under the supervision of the Secretary of the Interior . . . for the general benefit of the affected inhabitants of Rongelap." Identical bills were also introduced as follows: H. R. 12051 on June 7, 1962, by Mr. Kyl; H. R. 12052 on June 7, 1962, by Mr. Saylor; H. R. 12078 on June 12, 1962, by Mr. O'Brien. At an Open Hearing on June 21, 1962, the Subcommittee on Territorial and Insular Affairs considered H. R. 12048 and evidenced much sympathy for the plight of Rongelese. It was pointed out by Mr. Edwin E. Ferguson, Associate General Counsel of

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[15]Infra, Appendix L.

[illegible], Appendix I.

the Atomic Energy Commission that, although substantial relief had already been afforded the islanders, the Commission supported the legislation. In order to expedite the passage of the bill through Congress, an amendment of the amount to read $950,000 instead of $1,000,000 was introduced and approved. The bill was then reported favorably to the full Committee. There seems every reason to believe that this bill, or one closely modeled to it, will gain passage in the near future.

Prior to the decision on the current testing on British-controlled Christmas Island, a vigorous debate went on within the Administration as to the use of the Marshall Islands again as a testing site. As an indication of the power of pressure from the United Nations, the Department of State and the United States delegation to the United Nations are said to have strongly objected to use of the Pacific trust islands on the grounds that unfavorable world reaction would result, not to mention the opening afforded the Soviet Union for a propaganda holiday.[16] Whether the decision not to use the Marshalls as a testing area was based solely on this pressure is certainly debatable; that it had no influence on the decision is questionable. In any event, regardless of whether the Trust Territory is used for testing in the future or not, the fact that prior testing has occurred plus the existence of a missile range in the Kwajalein area, provides opponents of United States policies in Micronesia with ample ammunition for a continuing debate.

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[16]The New York Times, December 3, 1961.

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[10] The New York Times, December 3, 1961.

As might be expected, the Soviet Union takes full advantage of this issue, as well as others, to further its own motives and strategy. Throughout the history of the Trusteeship Council this has been the case. Regardless of the position one takes on the Cold War, an objective reading of the Official Records of the Trusteeship Council since its inception will almost inevitably lead one to the conclusion that the Soviet Union has consistently attempted to make political capital out of the status of dependent peoples. Mr. Bingham, on a recent television interview with Ambassador Stevenson, described the result of this emphasis as follows: "The Soviet Union has no influence at all in the Trusteeship Council. When they speak, nobody listens."[17]

There are indications that the U.S.S.R. is not as influential as it might be in the Trusteeship Council. For example, in fifteen years a Soviet representative has never been elected to a Visiting Mission. Mr. Bingham contends that other representatives do not "trust" them to do the job. It is significant that it is the only member that has not been so elected. On the other hand, one is less certain that the Soviet Union has "no influence" on trusteeship affairs. In the general debate on Resolution 1514 (XV), for instance, the Soviet representative tied in nicely the broad question of colonialism with specific reference to the Trust Territory of the Pacific Islands claiming that the United States was doing "everything in its power to ensure the virtual annexation of the Trust Territory either directly to the metropolitan territory or to

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[17]Interview, American Broadcasting Company, February 18, 1962.

[illegible] Observer, American Broadcasting Company, February 12, 1961.

the colony of Guam . . . ."[18] In addition to casting doubt on our adherence to the General Assembly declaration on the granting of independence, this attack on United States policy in all likelihood severely circumscribed the area of possible alternatives open to our planners. A case, for example, could certainly be made for an administrative union in the Northern Marianas. Ethnically and geographically this makes sense. But when one considers the effect such a proposal would have in the Trusteeship Council, conditioned as they are from years of Soviet diatribes, prudence alone would dictate some other course. To claim that the Soviet Union has "no influence" is to overstate the case in the opinion of this observer.

II. A "NEW LOOK" FOR THE TRUST TERRITORY OF THE PACIFIC ISLANDS

In addition to the various pressures from the United Nations, domestic pressures have been no less significant. Small groups such as anthropologists, political scientists, and the like have always had an abiding interest in the Trust Territory. But by far the greatest display of interest to date has come about as a result of the change of administrations. Whereas before, officials would speak of the "plateau" concept of gradualness speeding up the progress to different levels as the people developed in understanding and capability, today, officials speak of vast improvements in the very near future. Secretary

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[18] U. N. Doc. A/4818.

the cause of Dues . . . ."[13] An activist is reading Dunne as our adherence to the General Assembly decisions on Dues granting at Pentecost, this allows us Dutied dues money in all liability accruing clearcopyfict the year of possible disinvitations upon us our pleasure. A case, for instance, could similarly be made for an electoralcollege motion in the Berliner Gazette. Ethnically and psychologically this makes. But when one considers the editor would's proposal Wagli Dues in the Trustworthy Council, conditions is only the Four Years of Dunne dimension, Dunnite other music picture from other course. To claim that the Swiss Union has too influence is to overstate the case in the opinion of this observer.

II. A CASE LOOSE FOR THE DUES TAXATION OF THE PACIFIC ISLANDS

In addition to the various pressure from the United Nations, Dunnite pressure have been to less significant. Only groups such as anthropologist, political scientist, and the like have always had an existing interest in the West Territory. But by far the greatest display of interest to date has come about as a result of the change of administrations. Whereas before, activity was kept at the lowest level except at times of vast importance in the very near future. Currently

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[13] U. S. Inc. Article.

of the Interior Stewart Udall recently commented, "The Federal Government's responsibility in the territories and Trust Territory of the Pacific Islands requires greater attention than has been given in the past."[19] Although one not privy to the policy decisions of the Government cannot state with any authority, it does appear from reports available to the observer that a massive effort is being undertaken to bring the Trust Territory up to a level which will brook little, if any, valid criticism. The New York Times states that High Commissioner Goding and his deputy, Mr. Jose Antonio Benitez, have in common one strong bond--"the belief that the time has come for more progress, faster progress in the trust territory."[20] Reporter William M. Blair indicates that the "Kennedy Administration is seeking to speed the development of the trust territories, mindful of past neglect of the Western Pacific islands . . . ."[21] Mr. A. M. Rosenthal reports that "there is a plain feeling among officials on Guam that the Department of the Interior is now ready to pay considerably more attention to the territory."[22] These reflections of belief that the timing is now right for more extensive change in the Trust Territory take on added weight when one recalls the past history of some other United States

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[19]U. S. Congress, House of Representatives, Department of the Interior and Related Agencies Appropriations for 1963, 87th Cong., 2nd. Sess., (Washington: U. S. Government Printing Office, 1962), p. 5.

[20]The New York Times, February 12, 1962.

[21]Ibid., February 25, 1962.

[22]Ibid., February 12, 1962.

possessions: 1950--Guam--Organic Act; 1952--Puerto Rico--Commonwealth Act; 1959--Alaska--Statehood; 1960--Hawaii--Statehood. Congress has been, in a word, "busy" with other areas; the timing now does seem more appropriate for increased emphasis on the Trust Territory as well as American Samoa and the Virgin Islands.

Commissioner Goding, in his opening remarks before the current meeting of the Trusteeship Council on May 31, 1962, speaking of his 1961 statement before the same body to the effect that a reassessment of policy was underway, indicated that he was "pleased to be able to report that this reassessment had resulted in significant policy changes and in the adoption of new procedures, many of them along the lines recommended by the 1961 Visiting Mission."[23]

Some discussion of these changes is required but first, it might be noted in passing that there are divergent views on the ultimate status of the Trust Territory. Whereas the Administration appears to be taking a tack which will speed Micronesia toward a "show-place" harbor, some members of Congress are less than enthusiastic about this routing. Congressman John P. Saylor (R-Pennsylvania), for example, a member of the influential Subcommittee on Territorial and Insular Affairs, in Open Hearing on February 8, 1962, considering H. R. 9958, a bill to remove the ceiling on the authorization for appropriations for the government of the Trust Territory (later considered as S. 2775), stated quite emphatically that he did not believe that the Trust Territory was moving in

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[23]U. N. Doc. T/SR. 1181.

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[52] R. Inv. 2/96, 1311.

the direction that it should go but rather was moving in the direction of "more dependency."

So, one could expect to find some opposition to the Administration's efforts to build up its Pacific trust. On the other hand, Congress has seldom, if ever, failed to approve requested funds for the Territory. The fault, if there be one, would seem to lie not with Congress, but rather with past planners who felt that either the status quo should be rigorously maintained or, if changed, changed in a downward direction. In any event, there appears on balance to be enough drive behind the current efforts to bolster the Trust Territory to permit an optimistic viewpoint to be taken. Discussion of some of the new policies mentioned by Commissioner Goding before the Trusteeship Council follows.

III. AN INCREASED BUDGET

If any of the ambitious projects proposed by the new administration are to bear fruit, it is stating the obvious to note that increased funds will be required. Recognizing this, Commissioner Goding has presented Congress with a $10 million budget for fiscal 1963. The current budget is $6,304,000. It might be noted that the appropriation for the islands has remained close to $6,000,000 a year for a considerable period. Therefore, the increase to $10,000,000 is quite significant if only as an index of the seriousness of purpose of the current administration. Consider, if you will, that as recently as October, 1960, a serious student of the Trust Territory, in reference to a recommendation

the Convention that it should be her number one priority in the direction
of their relationship."

[illegible] she could expect to find some rhyme or [illegible] in the Americans-
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of a Visiting Mission for increased appropriations felt compelled to say: "This recommendation is unlikely to be met. The philosophy governing American policy is that our subsidy should not be increased beyond a point which eventually the Micronesians themselves might reasonably be expected to afford."[24] This presents some contrast to current thinking which, in philosophy and fiscal policy, is almost diametrically opposed to the old concept of gradualness. It would appear that a new era is, indeed, dawning in the islands of the Pacific.

Commissioner Goding has approached the problem of increased appropriations in two steps. First, the ceiling on the authorization law for appropriations for the Trust Territory (68 Stat. 330) had to be raised from the maximum of $7,500,000 per year to a more realistic figure. Congressman Leo W. O'Brien (D-New York) introduced H. R. 9956 on January 30, 1962, to remove this ceiling completely. Commissioner Goding on February 8, 1962, in his opening statement before the Subcommittee on Territorial and Insular Affairs considering this bill emphasized the requirements for schools, elementary teacher training, medical equipment, improvement of communications and a host of other projects and offered a figure of $15,000,000 as a more realistic ceiling. Mention of a ceiling was prudent as the Congressmen proved in the Hearing to be reluctant to consider any "open-ended" bill, but rather desired a specific ceiling.

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[24]Harold Karan Jacobson, "Our 'Colonial' Problem," Foreign Affairs, Vol. XXXIX, October 1960, p. 60.

On May 24, 1962, S. 2775 (the Senate version of H. R. 9958) was considered by the Subcommittee. Indicative of the interest in this bill was the appearance before the Subcommittee of E. Raymond Wilson, Executive Secretary, Friends Committee on National Legislation, who made a humanitarian plea for passage, stating:[25]

> In a world where colonialism has been challenged so much and where colonial empires are crumbling so fast, the United States has a unique opportunity to demonstrate its enlarged interest in the education and economic development of the people under its jurisdiction.

Chairman Aspinall, with much experience in matters of dependent territories, wisely cautioned the Subcommittee saying that "this is an area where we can do too much at the wrong time if we are not careful . . . ."

S. 2775, subsequently, was reported favorably to the Full Committee. Interestingly enough, the Committee on Interior and Insular Affairs, after taking notice of a justification prepared by its extremely competent Consultant, Dr. John L. Taylor, in collaboration with the High Commissioner[26] increased the proposed ceiling to $17,500,000 with the provision that not more than $15,000,000 be appropriated for fiscal 1963 and forwarded the bill to the floor of the House where it was approved on July 2, 1962 by a vote of 281-14 with 141 Congressmen not voting.[27] After favorable Senate consideration, the Bill

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[25]Hearing before Subcommittee on Territorial and Insular Affairs, May 24, 1962.

[26]Infra, Appendix N; and U. S. Congress, House of Representatives, Report to Accompany S. 2775, 87th Cong., 2d Sess., Report No. 1936, p. 3.

[27]U. S. Congressional Record, 87th Cong., 2d Sess., pp. 11666-11670.

became Public Law 87-541 on July 19, 1962.[28] When one considers that the new ceiling is a very substantial increase over the old ceiling, some idea of the support behind current efforts to build up the Trust Territory can be gained.

The second step in the High Commissioner's efforts to obtain more funds for the Trust Territory centers around his budget request of $10,000,000. Of course, as was pointed out to the Commissioner by Congressman Michael J. Kirwan (D-Ohio), Chairman of the House Subcommittee of the Committee on Appropriations, no official action could be taken until S. 2775, or a modified version thereof, was passed and the ceiling of $7,500,000 was actually lifted.[29]

However, the High Commissioner proceeded almost as if the ceiling had already been lifted. Promises were made in the Territory; extensive plans were formulated by the Administration; and the High Commissioner mentioned the budget request before the Trusteeship Council.

One can only surmise, but it does appear as if a dynamic was consciously being built up so that pressure of a sort was brought to bear on Congress to pass the desired legislation. It was an interesting exercise to watch, particularly in light of the magnitude of change desired. For example, one might consider H. R. 10802, the appropriation bill for the Department of the Interior and related agencies for the

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[28] Infra, Appendix S.

[29] U. S. Congress, House of Representatives, Department of the Interior and Related Agencies Appropriations for 1963, 87th Cong., 2d Sess., p. 1031.

fiscal year ending June 30, 1963.[30] It provides for only $6,600,000 for the Trust Territory. Obviously, the additional $3,400,000 desired by the High Commissioner will have to come from supplemental appropriations. So one may suppose that the stage, as it were, is now being set in the already favorable Congressional climate to insure that approval for such supplemental appropriations will be forthcoming. If the climate is as favorable as the increase of the ceiling to $17,500,000 would seem to indicate, this should present no insurmountable problem.

IV. LAND CLAIMS ON KWAJALEIN AND DALAP ISLANDS

To one brought up in the fluid, ever-moving society of the United States, it is perhaps difficult to understand the absolute priority of land to the peoples of Micronesia. This is pointed up on Kwajalein and Dalap Islands where the only unresolved major land claims in the Territory exist. Although negotiations have continued with the Marshallese for a considerable period and nonlitigious settlements of up to $500 per acre have been offered, there has been no agreement to date. Senator Henry Jackson, a member of the Committee on Interior and Insular Affairs, in a hearing on February 2, 1962, expressed his deep concern about the non-settlement of these claims. In testimony before the House Subcommittee of the Committee on Appropriations on February 5, 1962, the High Commissioner outlined the offers made and rejected and indicated that condemnation action might have to be taken.

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[30] Infra, Appendix O.

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[1] See Appendix C.

Considering the lack of settlement thus far, even at a figure of $500 per acre, it seems reasonable to predict that non-judicial negotiations have little chance of success. Evidently with this in mind, Congressman Aspinall introduced H. R. 11932 on May 31, 1962, "to assure payment of just compensation for the use and occupancy of certain lands on Kwajalein and Dalap Islands, Trust Territory of the Pacific Islands and for other purposes."[31] Identical bills were introduced as follows: Mr. O'Brien, H. R. 11952, May 31, 1962; Mr. Kyl, H. R. 11942, May 31, 1962; Mr. Saylor, H. R. 11957, May 31, 1962.

To clear up any question of jurisdiction, H. R. 11932 would permit access to the United States Court of Claims and subsequent possible review by the Supreme Court of the United States on writ of certiorari. This is significant if only to demonstrate how far the United States is prepared to go to provide fair and equitable treatment for the people under its trust.

V. BOLSTERING EDUCATION IN THE TRUST TERRITORY

High Commissioner Goding, in his appearance before the House Subcommittee on Territorial and Insular Affairs on February 8, 1962, spoke of education as the "most important" aspect of his new program. Before the Trusteeship Council on May 31, 1962, he emphasized the "reassessment of educational needs in the Territory" and the modification or change of "basic policies formerly underlying our educational

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[31] Infra, Appendix P.

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[11]Ibid., November 9.

system."[32] Judging from the figures contained in APPENDIX N, education will indeed receive great emphasis in the months to come. Priority has been quite clearly given to a massive effort to step up education in the Trust Territory. Figures for fiscal 1963 would double and for 1964 would almost quadruple.[33] When one considers that there are 16,000 children of school age in the Territory, out of which 4,900 attend the 41 non-public or mission schools operated by Congregationalists, Jesuits, and Seventh Day Adventists, the magnitude of the proposed effort can be appreciated.

When one recalls that nine languages exist in the Territory, the adoption of English as the medium of instruction at the elementary school level takes on added importance. Not only will this ultimately ease the teaching load, but one only needs to project its effect into the future as a key factor for developing the sense of unity so necessary for the emergence of a nation. The difficulty of such an undertaking should not be underrated, however. On the average, perhaps two to three per cent of the Micronesians now speak English. In order to train Micronesian teachers in English, a program of special sessions has been instituted in the various Districts and a linguist has been added to the Headquarters staff.

Of added interest is the plan to provide full secondary school programs in all Districts commencing in September, 1962. Advanced

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[32] U. N. Doc. T/SR. 1181.

[33] A cross check of other sources reveals some differences as regards proposed appropriations for education. APPENDIX N (the

studies have not been neglected in the new push forward in education. At present, 133 students are studying on the college level at Guam and abroad.

If the funds desired are appropriated, there seems every reason to believe that such descriptions of territory schools as a "damned disgrace" will be a thing of the past.[34]

VI. REPLACEMENTS WANTED

Although it is not a new development, having been a policy for years, the program of training Micronesians for positions in the government has gained speed. After July 1, 1962, for instance, forty-seven positions now held by United States citizens will be filled by Micronesians. As the American staff is replaced by qualified Micronesians, the reality of a self-governing territory will become more evident. Mr. Tosiwo Nakayama, President of the Truk District Congress and Advisor to the Special Representative at the 1147th meeting of the Trusteeship Council on June 13, 1961, displayed an awareness of the meaning of the term "qualified" when he observed that United States personnel should be replaced by Micronesians only when the latter were capable of assuming their responsibilities.[35] Such an attitude, if not rare in the "independence at any cost" milieu of today, at least demonstrates the

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justification for $17,500,000) lists $1,295,000 for FY 1963 and $4,150,000 for FY 1964. Senate Report No. 1223 to accompany S. 2775 lists $975,000 for FY 1963 and $2,500,000 for FY 1964.

[34] The New York Times, February 12, 1962.

[35] U. N. Doc. T/SR. 1147.

maturity of some of the more politically astute Micronesians. It also points out the very real danger of lowering the level of expertise by moving out qualified Americans too rapidly. There is some merit in considering a permanent civil service of United States experts to provide stability and advice on a continuing basis. Micronesians, of course, would occupy key political positions, as is their right.

The point at which a Micronesian moves into the "qualified" column is difficult to pinpoint exactly. The High Commissioner is making every effort to bring each man with the potential to this plateau. It may be an indication of the proper climate to note that American clubs can no longer close membership to aliens (meaning Micronesians). Equality on all levels including the all-important social level cannot help but open other doors to Micronesians with the desire to advance in the government of the Territory.

Consider the different situation which obtained in 1950 when Mr. G. M. Taggart, then Fishing and Shipping Commissioner and now Supervisory Economist in the Saipan District, described the atmosphere:

> The native working for or with us lives in two worlds. When he leaves the office, ship or warehouse he leaves our world and enters his own traditional one, circumscribed by native custom and the rigid patterns of family, clan and tribal fealty with the fierce hates and jealousies of island politics. He must live in that world whether he wants to be loyal to us or not. To be an outcast on a small island is indeed worse than death.[36]

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[36]Emil J. Sady and others, Report of a Transportation Survey on the Means of Establishing Sea and Air Transportation in the Trust Territory Under Civilian Administration for the U. S. Department of the Interior and the Department of the Navy (Washington: U. S. Department of the Interior, April 1950), p. 104.

[illegible]

Although one certainly cannot say that this situation has changed completely, enough progress has been made to warrant the claim that a substantial degree of "Territory feeling" has now developed. This is perhaps best reflected in the body which some observers claim to be the precursor of a true Territorial Legislature.

VII. THE COUNCIL OF MICRONESIA

The Sixth Annual Conference of the Inter-District Advisory Committee convened on September 11, 1961, at the Headquarters Compound on Guam. Among other important events, one in particular took place which, according to one observer, was "perhaps the greatest phenomenon that has occurred in the political history of the Trust Territory," the election of Mr. Dwight Heine, a Micronesian and graduate of the University of Hawaii, to preside over the entire conference. At previous conferences, either the High Commissioner or a member of his staff had acted as presiding officer. As the High Commissioner presented the gavel to Mr. Heine, he noted that it symbolized the Advisory Committee as an entity of its own. It is worthy of note that even this significant event was quickly overshadowed by the adoption and approval of a resolution to designate the Advisory Committee as the Council of Micronesia with Mr. Heine as the first Chairman. The High Commissioner characterized this as a step of "major importance" before the

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[37] Micronesian Reporter, November-December 1961, p. 9.

Trusteeship Council on May 31, 1962.[38] It will be recalled that the Inter-District Advisory Committee had been established in 1956 and served the purpose of bringing together representatives of the far-flung islands and fostering a sense of oneness which heretofore had not existed.

Even though the Committee was the first effort at joint action, and, admittedly, a rudimentary one, almost from its inception it was looked upon by members of the Trusteeship Council and others as the core unit for a territorial legislature. In the early years of the Inter-District Council, this was recognized to be a "shore dimly seen" and the moderate amount of criticism of lack of progress toward a true legislature reflected this belief. However, criticism has increased in both amount and intensity; and although one is not prepared to substantiate the claim that progress toward a legislature has been due solely to United Nations pressure, it might be interesting to note that a target date of "1965 or earlier" has now been officially voiced by the High Commissioner to the Trusteeship Council for the establishment of a Territorial Legislative Council.[39] So, it is highly significant that the name of the Inter-District Advisory Committee has been changed to "Council of Micronesia." The latter implies more independence, more indigenous power and more unity. Also, it will not pass without notice that, for the first time, popular election of delegates will take place

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[38] U. N. Doc. T/SR. 1181.

[39] Ibid.

[illegible]

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thereby bolstering the concept of a representative body. It might be noted in passing that symbolism has not been forgotten in the movement toward unity and a Trust Territory Flag is currently under consideration.

The venerable argument so close to the heart of any political scientist of whether to adopt a policy of centralization or decentralization has relevance to the Council of Micronesia. It would appear that this body will move the territorial government farther down the path to increased centralization. This can be a good thing if your goal is the concentration of power in the central government. On the other hand, there are those who argue to an entirely different conclusion. For example, a former District Administrator has stated that "it would have been better . . . to progress through the development of community councils, starting at the village level and leading to ultimate island federation."[40]

Whether decentralization would have been more effective in developing a group awareness is a moot point. Certainly, development around traditional groupings would have been more logical if separate units were desired with ultimate federation as the goal, but it is not at all clear that this was (or is) the desire of informed Micronesians. Nor is it at all certain that the fast-moving tides of change would have permitted such a gradual process.

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[40]Quoted in John Sandelmann, Special Consultant to the High Commissioner, "Some Observations on the Problems of 'Self-Government' in the Trust Territory of the Pacific Islands" (Honolulu, Hawaii, 1953), p. 124.

[illegible] the concept of a [illegible] judge. It might be [illegible] to [illegible] that [illegible] [illegible] [illegible]

It does appear that the Council of Micronesia is a step in the right direction. Whether its potential will be realized is open to question; but if a Territorial Legislature is to develop, it is almost certain that it will develop from this Council. In governmental affairs as in all other affairs of men, there is a time that is most propitious for change. It does appear that such a time will soon arrive for the Trust Territory and, within the near future, a representative Territorial Legislature will come into being.

VIII. AN ORGANIC ACT

Although not a new development per se, the matter of an Organic Act for the Trust Territory is now under consideration again. Many efforts have been made through the years to obtain passage of such an Act, but thus far, all have failed to gain approval of Congress. The most recent effort centers around H. R. 9278, a bill introduced by Congressmen John Kyl (R-Iowa) on September 18, 1961, "to provide a government for the Trust Territory of Micronesia and for other purposes."[41] As in other attempts to provide organic legislation, this bill is designed to advance the Territory beyond rule by Executive Order and to provide for a Territorial Legislature, a Bill of Rights, a judiciary integrated with the Federal judiciary, as well as other appurtenances of a modern government.

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[41] Infra, Appendix Q.

[1] Ibid., September 6.

Note that the Act provides for a ceiling of $20,000,000 (page 24, line 8), a figure not too far from the ceiling of $17,500,000 recently authorized under Public Law 87-541.

Many people believe that the absence of action by the Congress to provide organic legislation for the Territory is not in keeping with our posture of enlightened response to the needs of dependent peoples. Although the parallel is not exact, President Truman, as has been noted earlier, signed an Organic Act for Guam (Public Law 630) on July 26, 1950. Even though Guam is United States territory and the Trust Territory is not, the time gap appears open to question. Congressman Kyl evidently believed that this was the case. And yet, even he may not be confident that the timing is right for passage. At a Hearing of the Subcommittee on Territorial and Insular Affairs on February 8, 1962, he stated that he had been "ill-advised" about his Organic Act. Although his efforts on behalf of the Micronesians will be appreciated in the Territory, it is not at all certain that H. R. 9278 will receive any appreciable attention in this Congress or, indeed, in the foreseeable future. This is regrettable, but it does point up the difficulties involved in providing such legislation.

IX. AN ADMINISTRATIVE UNION

Geographic, historic, and ethnic ties, plus the expressed wishes of the peoples concerned, point to a closer relationship of Guam and the other islands of the Marianas.

Some indication of the mood of separateness of the Northern Marianas can be gathered from the results of a plebiscite conducted by a United Nations Mission on February 5, 1961, in response to a petition from the islanders (T/PET. 10/31). Voting went as follows:

	Saipan	Tinian
1. Do you desire to become U. S. citizens within the political framework of the Government of Guam?	1,557	85
2. Do you desire to become U. S. citizens by becoming a separate Territory of the United States?	818	57
3. Do you desire to remain in the same status?	21	6

Written communications received by the Visiting Mission during its visit to the Trust Territory also were heavily in favor of some form of integration.[42]

Although there does not appear to be any definite consideration being given to an administrative union at this time, it is a possibility for the future. However, such an administrative union would be most difficult to obtain in the United Nations as presently constituted. This is borne out in meetings of the Trusteeship Council. For instance, the representative of New Zealand (hardly a biased observer) recently spoke of the "disturbing realization that the people of Saipan were contemplating the possibility of splitting away from the Trust

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[42] See Annexes I, II, and III of U. N. Doc. T/1582.

[12] See Amendment X, 11 Stat. xii of U. S. Const. (1/1/1795).

Territory . . . ."[43] Mr. Jonathan Bingham, United States Representative on the Trusteeship Council, is on record as supporting the idea that the United Nations would not approve any partial termination of the Trusteeship Agreement.[44]

Actually, by Article 9 of the Trusteeship Agreement, the United States could legally establish an administrative union between Guam and the other islands of the Marianas Group.

There is a paradox in the idea of integration of the Northern Marianas. In the first place, the United Nations (and, in particular, the anti-colonial bloc) bases many of its objectives on the vaunted principle of self-determination. And yet, in spite of rather conclusive proof that the majority of the people of the Northern Marianas desire a certain governmental structure, there is wide-spread disapproval in the United Nations of any such move.

It is not without significance that the Trusteeship Council at its 1146th meeting dissolved the Standing Committee on Administrative Unions which had been established by its resolution 293 (VII) of July 17, 1950.[45] One could argue that the existence of only one administrative union (the Trust Territory of New Guinea and Papua) led to this move. On the other hand, it seems legitimate to speculate at least that the United Nations by such an action served notice that no further

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[43]U. N. Doc. T/SR. 1148.

[44]U. N. Doc. T/SR. 1150.

[45]U. N. Doc. A/4818; U. N. Doc. T/1581.

[58]. S. Doc. 67th. 1st.

[59]. H. Doc. 17th. 1st.

[59]. H. Doc. 4/5th; S. H. Doc. 1/52d.

administrative unions would be approved. This is not to say that the United States as Administering Authority could not implement the expressed desires of the peoples of the Saipan District and Guam. One would think, however, that this course would be balanced against the needs of the entire Trust Territory before any judgment would be made. In any event, if such action were taken, it would be with the full awareness that strong condemnation would be forthcoming from the United Nations.

X. INTERIOR RESUMES JURISDICTION OVER THE NORTHERN MARIANAS

As has been noted, on January 13, 1962, the High Commissioner announced that jurisdiction over the Saipan District would be transferred on July 1, 1962, from the Navy Department to the Department of the Interior. In addition, he indicated that Saipan would be the first provisional capital of the Trust Territory.

To the student of Micronesia this came as something of a surprise. Not that it was considered undesirable; as must be quite clear to the reader by now, the divided administration has been a constant source of embarrassment in the United Nations and elsewhere. But the choice of Saipan as the headquarters seemed out of keeping with previous plans to situate the Headquarters centrally on Dublon Island in the Truk atoll, plans which had been under consideration since 1950. Subsequent investigation was to show that both of the changes announced by the High Commissioner were in the best interests of the Micronesians and the United States.

On May 7, 1962, President Kennedy signed Executive Order 11021 placing the Saipan District again under the jurisdiction of the Department of the Interior.[46] On July 1, 1962, the Rota District was amalgamated with the Saipan District to form the new Mariana Islands District. In retrospect, it is open to question whether prudence ever dictated a separate District for an area of 32.90 square miles with a population of only 1,014.

Considering the criticism of divided responsibility which had become so vocal in recent years, one can imagine that the small cadre of Navy administrators must have felt some small measure of relief when turning over control to Interior representatives. Perhaps it would be an interesting exercise to go into more detail on the transfer of the Headquarters and the idea of a provisional capital.

An interview with Dr. John L. Taylor, able Consultant on Territorial and Indian Affairs of the House Committee on Interior and Insular Affairs on February 7, 1962, revealed that the purpose for which the Navy had needed its Technical Training Unit on Saipan had been served and it was scheduled to be deactivated on June 30, 1962. This presented Interior with an opportunity to establish a Headquarters in the Territory even though not centrally located as originally planned. High Commissioner Goding outlined the facilities to the House Appropriations Committee in the following testimony:

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[46] Infra, Appendix K.

> Included are about 90-some family houses of permanent concrete construction, a small BOQ, or apartment building, a permanent concrete office or administration building and substantial appurtenant plant, more than we would think of asking if we were designing or building a headquarters facility.[47]

Although the advantages of such a move seemed manifest, there was some opposition voiced. Congressman Kyl on February 8, 1962, at a Hearing of the Subcommittee on Territorial and Insular Affairs was "disturbed about the move to Saipan." Congressman Saylor voiced his objections as follows:

> I was disturbed when I understood that you were going to move your headquarters to Saipan. Finding out that the Navy has departed, I can understand why. But you might as well stay where you are. Saipan is not getting you further in the Trust Territory . . . . It is just like trying to run our government from away out in Key West or Miami or Hawaii. You are not in the heart of the Trust Territory.

Faced with contrary statements such as these, one cannot be completely optimistic about the future success of the move to Saipan. Domestic as well as international criticism will be voiced with regard to the peripheral location of the headquarters.

On balance, however, the move has many advantages for all concerned. For example, estimates for the development of headquarters facilities have ranged from $2,000,000 to $4,000,000. This was one of the primary reasons for establishing the Compound on Guam in 1954. Facilities were already available and, of course, logistic support was convenient. On a larger scale, the same situation now applies to Saipan

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[47] U. S. Congress, House of Representatives, Department of the Interior and Related Agencies Appropriations for 1963, 87th Congress, 2nd. Session (Washington: U. S. Government Printing Office, 1962), p. 1006.

Included are about 30-some daily issues of personnel
carrying correspondence, a small BAR, or department building, a
personnel requests office or administrative building and
additional equipment items, more than we would think of
asking if we were budgeting or outlining a headquarters
facility."[47]

Although the contemporary of such a move seemed remiss, there was
some opposition voiced. Congressman Ogi on February 8, 1960, at a
Hearing of the Subcommittee on Territorial and Insular Affairs was
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> Territory . . . . It is just like trying to run our government
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> the heart of the Trust Territory.

Faced with contrary statements such as these, one cannot be com-
pletely optimistic about the future success of the move to Saipan.
Doubts as well as informational criticism will be voiced with regard
to the peripheral location of the headquarters.

On balance, however, the move has many advantages for all con-
cerned. For example, estimates for the development of headquarters
facilities have ranged from $1,000,000 to $1,500,000. This was one of
the primary reasons for substituting the Compound on Guam in 1952.
Facilities were already available and, of course, logistic support was
convenient. On a larger scale, the move alleviates the problem to Saipan

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[47] U. S. Congress, House of Representatives, Committee on the
Interior and Insular Affairs, Hearings before the Committee, 87th Congress,
2nd. Session (Washington: U. S. Government Printing Office, 1962),
p. 1006.

with the quite significant exception that Saipan is not a transportation hub as is Guam. The value of the Navy complex offered on largely a non-reimbursable basis to Interior is in the neighborhood of $10,000,000 to $12,000,000.

Although this move offers a "solution" to the much-repeated criticism in the United Nations with regard to divided responsibility and headquarters location, and buildings and equipment are available at practically no cost, there are other facets of the move. The Headquarters Compound on Guam was located under the approach to the airport runway. Recognizing this undesirable situation, Congress appropriated $400,000 for fiscal year 1962 to build houses in less hazardous areas. None of these funds has been used to date. Plans were in progress for a completely new headquarters on Guam at an estimated cost of $2,000,000. It seems clear that a substantial amount of capital investment will be saved in the move to Saipan.

As in the transfer of jurisdiction to the Department of the Interior in 1951, the problem of transportation, both surface and air, will require extensive study. As Guam is a junction point for transportation, the Trust Territory aircraft headquarters will remain on Guam.

Although Micronesians in general will probably look with favor on a headquarters and capital in the Territory, there is some doubt that approval will be unanimous. The sense of territorial consciousness is in its embryonic stage, and the more advanced (and, some say, more favored) Saipanese are not always regarded with the greatest esteem by other islanders. The people of Rota might be expected to be happy with

the move, easing, as it does, any restrictions on access or communications with Saipan.

With regard to the designation of Saipan as the capital, one notes that care is taken always to append the adjective "provisional." This is prudent if only to demonstrate that pressures now below the norm could build up in future years to the point that a change of site would appear desirable.

If one could offer a summary analysis of the move to Saipan, it appears that, for the United States, the balance swings to the advantage side. The contemplated changes will meet with approval in the United Nations. There will, of course, be continued objection to the lack of a pivotal geographical position. In the Trust Territory itself, there will be mixed response and continued agitation for a centralized headquarters, but the reasonableness of Micronesians of influence should prevail with acceptance of and pride in their new Headquarters and capital. As might be expected, the Saipanese will welcome the move, realizing that, as the Navy moves out, their advantageous position might diminish unless bolstered by just such a move. As has been noted, the Navy may well be happy to relinquish a most difficult and somewhat less than rewarding task.

There does, indeed, seem to be a new era opening up for the Trust Territory. The movement to Saipan, if somewhat fortuitous, is, nevertheless, another indication of the intention of the United States to meet the desires and aspirations of the peoples of its "paradise in trust."

CHAPTER VII

SUMMARY AND CONCLUSIONS

When one starts a project such as this study of the Trust Territory of the Pacific Islands, it is stating the obvious to note that the initial stage is not commenced in a vacuum; there are certain ideas that color the lens through which the subject is viewed. For instance, the author would be less than candid were he to claim no prior belief that many improvements were needed in Micronesia. During the course of researching and writing the paper, he has been in the unusual position of seeing some of his prospective recommendations implemented. Much more is being planned now in the Trust Territory than ever before. These facts may have changed the number of final recommendations; they did not change the central thesis of this paper, the examination of alternatives for Micronesia including the possibility of closer ties with the United States.

At the outset, it might be appropriate to remind ourselves that the Trust Territory of the Pacific Islands is not an isolated case in the world arena. There are many small and remote territories too weak to stand alone. In the neighborhood of thirty are under British administration alone. The future of these remaining dependent, small territories now occupies the hearts and minds of many dedicated people.

One aspect in particular is common to all such areas: the "aspirations" and "freely expressed wishes of the peoples concerned" are all-important. While this truism is frequently ignored by those who

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would grind the desires of dependent peoples in the grist-mills of propaganda, it is the core of traditional United States response to the affairs of dependent areas.

One should also recall that the evolutions of United States territories have followed no set pattern. No theory of "assimilation" or the like has been followed. Each case has been considered on its own merits, pragmatically, and in accordance with the desires of the inhabitants of the area concerned. It is reasonable to assume that this procedure will be followed in the case of the Trust Territory of the Pacific Islands. Whether stated or not, the existence of this firm United States belief in self-determination will be implicit in everything that follows in this summary.

I. A SUMMARY ANALYSIS

World War II placed the islands of the Pacific in the lap of the United States in an age when it was no longer fashionable in the West to establish new colonial dominion over alien peoples. In spite of a moderate policy on colonial questions, the United States discovered in due course that it was becoming increasingly the target of anti-colonial criticism. Particularly was this so at the discussion of the new Commonwealth status of Puerto Rico in 1953 and the petition of the Marshall Islanders complaining of the damage suffered from fall-out in 1954. The increase in amount and intensity of criticism of our policy in the Trust Territory could almost be plotted as it rose each year to its present level (a level which some say may not be necessary and, indeed, unwarranted).

I. A SUMMARY ANALYSIS

This is the backdrop against which the United States performs its role as administrator of the Trust Territory including its obligation to report annually to the United Nations. It would be difficult to argue that this obligation has not been a good thing for the United States and the Pacific Islanders. It has caused us to weigh our policies and actions carefully. We have acted more promptly and with greater sensitivity in certain instances than we might have in the absence of United Nations scrutiny as in the case of the settlement of war claims and assistance to the Marshallese for damages from nuclear testing. There can be no doubt that the United Nations factor has been of some help to the Executive Branch of the Government in compelling elements within it to play down departmental quarrrels, compose their differences, and present a united front. Finally, the provisions of the International Trusteeship System--Chapter XII of the United Nations Charter--provides the objectives and guidelines from which both the indigenous peoples and dedicated, responsible administrators can derive strength. When the District officer far down the line assists the local inhabitants to understand the purpose and content of Chapter XII and the body of regulations supplied to provide progressive development toward stated goals, he is increasing the means by which they may determine their own affairs.

Although the United States administration of the Trust Territory has revealed shortcomings, it has, on the whole, been most commendable. The satisfaction expressed by the Trusteeship Council in reviewing United States administration is adequate testimony to support such assertion. Nonetheless the United Nations is prone to push the United

States further and faster with regard to its administration of the Pacific Islands than perhaps it believes circumstances warrant or permit. Strongly persuaded by the validity of the "time table idea" for the achievement of self-government or independence, the United Nations, as has been noted, has resolved on this subject to the extent that Administering Authorities are expected to project a time table for the ultimate fulfillment of the aims of trusteeship or to provide, progressively, target dates for the attainment of successive stages which will hasten development.

While the United Nations would stoutly deny that it did not recognize that territories are of varying stages of development, or failed to give consideration to local circumstances such as geographic distances, ethnic differences and economic limitations, many Members are not beyond minimizing the importance of such factors and justifying their own conclusions on the basis of "principle." (For example, see Appendix H). As a result, in order to assuage the feelings of the non-administering members of the Council, the United States High Commissioner is obliged to try to show that the development toward self-government or independence is progressing in accordance with a series of target dates established in succession. By thus imposing its judgment upon that of the High Commissioner, the Trusteeship Council makes his task more difficult.

Despite much progress along the road to self-government or independence, as indicated above, that goal would still seem to be a considerable distance away for the Trust Territory, and the ultimate

form it might take has scarcely been envisaged. At the time the Trusteeship Agreement was negotiated, the United Nations drew a sharp distinction between self-government and independence and failed to see how the latter status could possibly be achieved within any foreseeable future in this case. While the United States still draws the distinction and considers self-government as a most important preliminary step to independence, a considerable number of the United Nations Members, some of whose people have never known self-government, regard both terms as one and the same thing.

In view of the fact that the granting of independence to Ruanda-Urundi on July 1, 1962, leaves only Australia and the United States as Administering Authorities, there seems little reason to doubt that both will become more subject to scrutiny than heretofore, operating, as they must, in the milieu described above. In the light of such changed circumstances, the nature of which can be clearly envisaged upon the anti-colonial stage, cannot it be expected that United States policies toward the Trust Territory will encounter some storms and be submitted to buffeting by the international political winds which can gather and develop momentum over a colonial dependency? What could and should the United States do in preparation for or to avoid the storms which it will encounter regarding the nature of political development and ultimate status of the trust territory?

It would seem that there are five considerations for the Territory upon which the policy-maker must reflect: (1) the need to meet our obligations to Pacific Island peoples as fully and wisely as possible;

(2) national defense requirements; (3) the ultimate status of Guam; (4) the ultimate status of the Trust Territory; and (5) the need to get out of the business of colonial administration at the earliest possible date. Any "solution" for Micronesia would have to meet these criteria.

Before considering final answers, however, it would seem less presumptuous to state some conclusions which apply to the situation as it is today. Any ultimate status will, after all, be reached through an inevitable piece-meal process; a new Micronesia will not spring up full-blown by decree or desire. The hundreds of dedicated men and women who have worked and are working to find a just solution for the Trust Territory know this only too well. Mr. Calab Udui of Palau showed an awareness of this point in a discussion on July 25, 1962, when he noted that the requirement was for "time, patience and a lot of people."

One might first consider the Trusteeship System as a whole. Although eight of the original eleven trust territories have gained self-government or independence, on balance, the record has been a mixed success. One does not see states offering their "non-self-governing" territories to the United Nations for trusteeship. Furthermore, it is less than clear whether the Trusteeship System, as constituted, can bring the remaining territories across the threshold to the stated goals of the United Nations Charter. Not beyond the realm of possibility is a change in the structure of the Trusteeship Council. A Committee of Experts might prove of more value to these remaining fragile bits of land.

Despite the intent of the drafters of the Charter, with regard to the Trusteeship Council, that it should operate more or less autonomously under broad supervision of the General Assembly, there has been a constant trend, as anti-colonial postures have developed, to transfer questions of trusteeship to the full body. This has only increased the magnitude of the pressures placed on administering authorities and perhaps reduced the expertise focused on questions of substance.

In retrospect, our offering of the ex-Japanese Mandated Islands for trusteeship in 1946 may not have worked out to the exact satisfaction of all concerned. Although annexation at that time would have been difficult to obtain in light of United States hope and, indeed, faith in the efficacy of the United Nations, there is some merit in considering why these strategic islands were not included under the Declaration Regarding Non-Self-Governing Territories rather than the Trusteeship System at that time.

II. ECONOMIC CONSIDERATIONS

Narrowing the focus to more specific matters, one might speculate on some recommendations in the economic field. Certainly, one of the overriding problems which will continue to plague the Trust Territory will be transportation. As the Navy turned over its jurisdiction in the Northern Marianas to Interior, there must have been many officials in Interior pondering the additional transportation requirements now evident.

Despite the threat of the workers to the Company, which resulted in the irretrievable loss of about eighty man or less satisfactorily under trying circumstances of the Central Assembly, there has been a substantial reduction in daily-average production due principally to shortage of [illegible] in the daily basis. This has only increased the magnitude of the problems inherent in maintaining adequate production schedules.

In retrospect, our efforts of the so-called Emergency Labour Law notwithstanding, we have not succeeded in maintaining the solution or all concerned. Although everything as that time would have been difficult to achieve an [illegible] and [illegible] [illegible] in the efficacy of the Labour Relations, there is good basis to conclude why these assumptions [illegible] were not [illegible] [illegible] Preparing Pre-Bill-Assembly [illegible] rather than the Presidential Order at that time.

II. ECONOMIC CONSIDERATIONS

Returning the blood to more tangible matters, new major developments as some recommendations in the [illegible] Bill. Certainly, one of the overriding problems which will continue to plague the Trade Industry will be [illegible]. As the body turned over its [illegible] in the Northern Counties to Industry, there must have been many violations in labour governing the multiplier [illegible] employment was evident.

Another consideration that must occupy the time of planners for Micronesia is the extent to which the islands will be subsidized. Internal capital has averaged $1.5 million per year; the proposed budget is $10 million with every prospect that this figure will not remain static. There is some question in the minds of some knowledgeable people as to whether this much money can actually be spent in the Territory at present. Just how many bulldozers can be used for construction today; can the economy absorb such a quantum jump? Can the Administration actually use the $10-15 million contemplated for the very near future without completely upsetting the structure of the Trust Territory? Has the pendulum swung too far so that too much support will be given? These are questions which will have to be answered eventually. There does appear to be some danger that the current emphasis on raising the budget (some might refer to this action as falling under the category of a "crash" program) will over-subsidize the Trust Territory to a degree which will prove more detrimental to the peoples of Micronesia than beneficial. Doing too much too fast can be just as harmful in the long run as not doing enough.

In the development of the island economy, it would appear that fishing should be emphasized to a greater degree. Deep sea experience should be provided. If the land area is small, the sea area is not. Subsistence requirements could better be met by increased fishing. In this regard, administrators should insure that an adequate number of lines and hooks are supplied to the islanders. This may seem like a mundane matter to mention even, but it takes on added significance to an islander whose coconut crop has been destroyed by typhoon.

The possibility of development loans may present advantages to the Trust Territory. Perhaps the facilities of the Export-Import Bank, the World Bank or others could be advantageously extended to Micronesia. This would depend, of course, upon the ability of the islands to absorb such assistance.

The need for outside investment appears manifest. As will be recalled, this is prohibited at the present time except for some moderate efforts by selected United States companies. Provided the rights and privileges of the Micronesians can be protected, there seems little reason to deny other United States companies or even companies of other States access to Micronesia. Japan comes to mind as one of the latter.

Visitors to the Caribbean area cannot help but be impressed by their well-developed native craft industries. Could it not be contended that similar industries could be built up to a greater extent than at present in the Trust Territory? To aid this project, some revision of United States tariff regulations that treat the Territory as completely "foreign" would have to be made.

If security regulations could be relaxed, it is not inconceivable that a moderate tourist trade could be developed. Hotels, aircraft facilities and the other aspects of tourism could bolster the indigenous economy to a healthy degree. Security aspects place this idea in the speculative category, however.

To increase copra production and to relieve population pressures, current efforts to encourage homesteading in outer islands should be continued. Although such an exodus would make the political problems of

developing territorial consciousness more difficult, economic considerations would appear to govern in this case.

III. EDUCATIONAL CONSIDERATIONS

The school building program now in progress bodes well for the future maturity of the Territory. There is a need, however, to improve the system whereby the villages are held largely responsible for building elementary schools and paying teachers. Standardization and progress are unlikely under such a process. Also, the programs of the mission and district schools should be coordinated. Separate procedures can scarcely be defended when placed beside the glaring need for improved educational facilities.

The figure of 2-3 per cent comes to mind when considering the percentage of Micronesians with a working knowledge of English. This is an area where an enormous effort is required. Although unity could come about without territory-wide facility in English, its possession by the majority of islanders would greatly aid such progress.

IV. POLITICAL CONSIDERATIONS

The future of Micronesia has, more often than not, been tied in closely with political considerations. Although one hesitates to use the word "pawn," this is the term which most readily comes to mind when surveying the history of the Trust Territory. Although the charge of "culture-bound" may be cast against the student by some observers, it would appear that this situation no longer applies: the people of the Trust Territory can now make a determination of their own future. The

United States must still, of course, for the foreseeable future, act as Administering Authority in what can only be described as a volatile, changing political milieu. With this in mind, some discussion of steps to improve both the position of the Micronesians and that of the United States may now be appropriate.

There are those who argue for decentralization in the Territory. Strengthen the District Congresses, they say, and unification will eventually come about. Considering the diversity of the cultures, this may be what will actually come about prior to unification although there are many people who feel that the District Congresses are already too big for the number of people involved. A case can be made that the new Council of Micronesia may well be the legislature for a federation. If this be the direction in which the Territory is moving, few could voice an objection. But why emphasize diversity when it is not known whether centralization will work or not? The Council of Micronesia has its past, just as the District organizations have theirs. A community of interests is being developed; a sense of nationality is growing. Why concentrate on the traditional ways to the exclusion of the new? A new culture is being superimposed on the myriad other cultures. This process takes time--some authorities speak in terms of three generations. In view of the time factor alone, the elements that would add to a group awareness should be emphasized, not those that tend to divide the Territory into separate camps. In this regard, one should be aware of the excellent Trust Territory scholarship program which provides advanced education to deserving students and assures that many changes will come

from within rather than through superimposition. The importance of this type of program cannot be overemphasized.

If the Council of Micronesia is to be the territorial legislature by 1965 as outlined by the High Commissioner, it goes without saying that its powers should be substantially increased. This line of thinking leads rather directly to the need for organic legislation for the Trust Territory. Draft legislation, such as H. R. 9278, should be taken out of the drawer, dusted off, and cast in a way which brings together the best ideas that officials (both Micronesian and non-Micronesian) can bring to bear on the subject of the Trust Territory. An Organic Act for the Islands has been delayed for far too long a period. It does not pass unnoticed on the international scene that in 1954 the High Commissioner promised the United Nations that such an Act would be forthcoming in 1960.

If only to dispel the idea that the area of the Trust Territory is less strategic now than in 1946, it would appear that a reevaluation of Micronesia's role in current strategy should be undertaken. This judgment should be made known to the Department of the Interior so that proper programs can be implemented to further the interests of both the peoples of the Trust Territory and the United States. Certainly in this nuclear age when one considers that another nation could use the area as a missile base, tracking area, or for many other military purposes were the United States to move out, its strategic value is not likely to be underrated. If anything, the strategic value today would seem to be greater than after World War II.

Assuming the latter is true, some consideration of alternative courses of action may now be appropriate. The United States could continue its present policies with almost certain prospects of increasing criticism from the United Nations and even from factions within the Trust Territory who might see some short-term profit in embarrassing the United States. It is conceivable that the ideology of revolt could find some advocates in Micronesia. However, perhaps a continuation of present policies is the only prudent course at this time. If so, the evidence brought forward this year by the High Commissioner concerning increased expenditures will help to lessen the almost inevitable criticism in the years to come.

Independence is an alternate course of action. To those who would proclaim the Trust Territory now ready for this solitary position, the author directs attention to the remarks of Mr. Ancon Amaraich of Truk on this much-debated subject (see APPENDIX R). There seems little reason to believe that independence at this time is desirable from any rational standpoint for the Trust Territory. The Micronesians have evidenced little enthusiasm for this elevated status but, rather, have indicated that support should be a continuing process at least for the foreseeable future.

On the other hand, Micronesia could become the territory of some other power. The complete lack of evidence of any desire on the part of Micronesians for such an arrangement, coupled with the strategic value of the Territory dictates the answer to this proposition. In this day of advanced armament technology, it is too dangerous to consider

another power in Micronesia. One need only reflect for a moment before a map of the Pacific to become convinced that a country such as, for example, the People's Republic of China in the Trust Territory would be unthinkable in terms of national defense not only for this country but for others as well.

By Article 9 of the Trusteeship Agreement, the United States could establish, without valid legal objection, an administrative union between Guam and the other islands of the Marianas Group. This course has been supported on many occasions by the peoples of the Northern Marianas. However, with the Headquarters now on Saipan, the "provisional" capital, it is difficult to see how such an administrative union would help the Territory as a whole. Furthermore, there is ample proof (as witness the abolishment of the Committee on Administrative Unions) that the United Nations would heap criticism upon the shoulders of officials responsible for such a move.

There is the possibility of bringing about some form of Commonwealth status such as Puerto Rico and the United States enjoy. When the principle of self-determination is applied to this proposition, there appears to be some support for it among Micronesians.

Perhaps statehood would be an appropriate future step for the Trust Territory. Congressman Hugh L. Carey (D-New York), able member of the Committee on Interior and Insular Affairs, extended his thoughts into the future in a debate on the floor of the House on July 2, 1962, when he noted:[1]

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[1]U. S. Congressional Record, 87th Congress, 2d. Sess., p. 11669.

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[1] J. Carpenter, Secret, 17th Century, Bk. Jane, p. 1204.

> These islands contain 73,000 fine people and they can make a real contribution to our country and the free world defense. I look ahead to the time when this area will have a State of the United States rather than just a U. S. Trust Territory.

It goes without saying that many Micronesians as well as many other observers, considering the future of the Trust Territory, have reached the same conclusion.

An interesting proposal, which has gained many advocates, centers around a joining of Guam, American Samoa, and the Trust Territory of the Pacific Islands as a "county" of Hawaii. This idea has considerable merit, but it is not at all clear whether either Hawaii or the territories concerned would desire such an arrangement.

There are those who favor the granting of United States citizenship to the people of the Trust Territory. Congressman John P. Saylor (R-Pennsylvania), for example, influential member of the Committee on Interior and Insular Affairs, stated to the author on July 26, 1962: "I feel that we must open the door to them /the people of the Trust Territory/ for American citizenship." This, of course, would afford the Micronesians substantial advantages in the economic, political, and prestige-sense.

In the final analysis, what ultimate form the Trust Territory will take will, of course, depend on developments in Micronesia within perhaps the next ten to fifteen years. No one can really envision the final status. The United States can only continue to work on its responsibilities toward Micronesia in order to insure that the people of the Trust Territory will be prepared for and fully capable of making a choice when the proper time comes. Every effort should be made in the

meantime to insure that friendly relations are maintained with the Micronesians so that their ultimate choice will reflect mutual trust and understanding.

All of the above-mentioned courses of action (with the obvious exception of immediate independence) would be subject to a great swell of criticism in the United Nations. On the other hand, if a United Nations-supervised plebiscite in the Trust Territory were to demonstrate that one of these courses was the expressed desire of the people directly concerned, it is difficult to see how such criticism could continue in juxtaposition to clear evidence of the application of the principle of self-determination, a principle which has been vigorously supported across-the-board in the United Nations. Would it not be, one might ask, better to accept initial criticism which could be answered by the votes of the Micronesians rather than to accept inevitable criticism on a continuing basis?

Answers to the foregoing problems cannot be arrived at easily. Obviously, many diverse factors and interests must be weighed. It would be wrong to presume that this weighing process has not been a continuing one carried on at the headquarters of operations in the field, by small numbers of conscientious peoples within the Office of the Chief of Naval Operations, the Office of Territories in the Department of the Interior, the Office of Political and Security Affairs (UNP) in the Department of State and in the Committees on Interior and Insular Affairs of the Senate and the House of Representatives. Through the years the responsibilities outlined in Article 6 of the Trusteeship

Agreement (see APPENDIX C) have been taken most seriously by United States officials concerned with the Trust Territory. With this, there can be little quarrel; the whole framework of our response to the needs of the Territory has been based on these accepted responsibilities. However, it would seem that there is now need for steps to crystallize thinking more and to translate it into action programs. A start has been made; more needs to be done. It is believed that the small segment of the total colonial problem considered here calls for the immediate if only brief attention of the President. He should be encouraged to direct the State, Defense, and Interior Departments to come up with some joint answers to insure that the administration of the Trust Territory will not become a source of further embarrassment to the United States which might be avoided. Whatever the nature of steps that might be taken, one can only hope that those concerned will do their utmost to appreciate the feelings and aspirations of the peoples of the Trust Territory of the Pacific Islands in their movement toward greater knowledge in all fields of free human endeavor.

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APPENDIXES

APPENDIX A

Statement by the President*

November 6, 1946

The United States is prepared to place under trusteeship, with the United States as the administering authority, the Japanese Mandated Islands for which it assumed responsibilities as a result of the Second World War. Insofar as the Japanese Mandated Islands are concerned, this Government is transmitting for information to the other members of the Security Council (Australia, Brazil, China, Egypt, France, Mexico, the Netherlands, Poland, the Union of Soviet Socialist Republics and the United Kingdom) and to New Zealand and the Philippines a draft of a strategic area trusteeship agreement which sets forth the terms upon which this Government is prepared to place those islands under trusteeship. At an early date we plan to submit this draft agreement formally to the Security Council for its approval.

*U. S. Department of State, Foreign Affairs Background Summary. (Washington: Office of Public Affairs, 1947), p. 11.

Appendix A

Decisions by the President*

November 9, 1960

The United States is prepared to place under international, with the United States to the Antarctic, the Japanese Government [illegible] as a result of the Soviet [illegible]. Treaty on the Japanese Islands are [illegible] with Government [illegible] Decision to be [illegible] of the Security Council (Australia, Brazil, China, Egypt, France, Mexico, the Netherlands, Poland, the Union of Soviet Socialist Republics and the United Kingdom) and by the Council and the Philippines [illegible] Unanimous agreement which sets forth the terms upon which Cooperation is prepared to place those islands under trusteeship. It is early [illegible] will first appeared formally to the Security Council for its approval.

*U. S. Department of State, Foreign Policy Decisions [illegible] (Washington: Office of Publications, 1961), p. 11.

APPENDIX B

Executive Order 9875*

Whereas the Trust Territory of the Pacific Islands (hereinafter referred to as the trust territory) has been placed under the trusteeship system established in the Charter of the United Nations by means of a trusteeship agreement (hereinafter referred to as the agreement), approved by the Security Council of the United Nations on April 2, 1947, and by the United States government on July 18, 1947, after due constitutional process; and

Whereas the United States of America under the terms of the agreement, is designated as the administering authority of the trust territory and has assumed obligations for the government thereof; and

Whereas it is necessary to establish an interim administration of the trust territory pending the enactment of appropriate legislation by the Congress of the United States providing for the future government thereof:

Now, therefore, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

1. The military government in the former Japanese Mandated Islands is hereby terminated, and the authority and responsibility for the civil administration of the trust territory, on an interim basis, is hereby delegated to the Secretary of the Navy.

2. The Secretary of the Navy shall, subject to such policies as the President may from time to time prescribe, and, when appropriate, in collaboration with other departments or agencies of the Federal Government, carry out the obligations which the United States, as the administering authority of the trust territory has assumed under the terms of the agreement and the Charter of the United Nations: Provided, however, that the authority granted to the United States under Article 13 of the agreement to close any areas for security reasons and to determine the extent to which Articles 87 and 88 of the Charter of the United Nations shall be applicable to such closed areas shall be exercised jointly by the Secretary of the Navy and the Secretary of State: And Provided further, that all relations between departments or agencies of the Federal Government and appropriate organs of the United Nations with respect to the trust territory shall be conducted through the Secretary of State.

3. This order, subject to subsequent modification, shall be effective as of this date and shall remain effective until a

ATTACHMENT B

Executive Order 9112*

Whereas the Trust Territory of the Pacific Islands (hereinafter referred to as the Trust Territory) has been placed under the jurisdiction of the United States of America, pursuant to the Trusteeship Agreement for the Territory of the Pacific Islands by means of a trusteeship agreement [hereinafter referred to as the agreement], approved by the Security Council of the United Nations on April 2, 1947, and by the United States of America, pursuant to the Joint Resolution of July 18, 1947, which, after constitutional processes had been complied with, was approved by the President on July 19, 1947; and

Whereas the United States of America, in the agreement, has undertaken, as the administering authority of the Trust Territory, to promote the development of the inhabitants of the Trust Territory toward self-government or independence as may be appropriate to the particular circumstances of the Trust Territory and its peoples and the freely expressed wishes of the peoples concerned; and to this end to take certain steps therein set forth; and

Whereas it is necessary to establish an interim administration of the Trust Territory pending the attainment of appropriate legislation by the Congress of the United States providing for the future government thereof;

Now, therefore, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

1. The military government in the former Japanese Mandated Islands is hereby terminated, and the authority and responsibility for the civil administration of the Trust Territory, on an interim basis, is hereby delegated to the Secretary of the Navy.

2. The Secretary of the Navy shall, subject to such policies as the President may from time to time prescribe, and, when expedient, in collaboration with other departments or agencies of the Federal Government, carry out the obligations which the United States, as the administering authority of the Trust Territory has assumed under the terms of the agreement and the Charter of the United Nations: Provided, however, that the authority granted to the United States under Article 11 of the agreement to close any areas for security reasons and to determine the extent to which Articles 87 and 88 of the Charter of the United Nations shall be applicable to such areas shall be exercised jointly by the Secretary of the Navy and the Secretary of State: And provided further, that all relations between departments or agencies of the Federal Government and agencies of the United States with respect to the Trust Territory shall be conducted through the Secretary of State.

3. This order, subject to subsequent modification, shall be effective as to this area and shall remain effective until a

designation is made of the civilian department or agency which is to have permanent responsibility for the government of the trust territory.

Harry S. Truman

The White House
July 18, 1947

*Federal Register, Vol. XII (July 22, 1947), pp. 4837-4838.

application is made of the doctrine abandonment or equity seizin is to have permanent responsibility for the government of the human territory.

Harry S. Truman

The White House
May 10, 1947

*Journal Register, Vol. XII (July 25, 1947), pp. 1027-1029.

APPENDIX C

Trusteeship Agreement for the Trust Territory of the Pacific Islands*

PREAMBLE

Whereas article 75 of the Charter of the United Nations provides for the establishment of an international trusteeship system for the administration and supervision of such territories as may be placed thereunder by subsequent agreements; and

Whereas under article 77 of the said Charter the trusteeship system may be applied to territories now held under mandate; and

Whereas on 17 December 1920 the Council of the League of Nations confirmed a mandate for the former German islands north of the equator to Japan, to be administered in accordance with article 22 of the Covenant of the League of Nations; and

Whereas Japan, as a result of the Second World War, has ceased to exercise any authority in these islands;

Now, therefore the Security Council of the United Nations having satisfied itself that the relevant articles of the Charter have been complied with, hereby resolves to approve the following terms of trusteeship for the Pacific Islands formerly under mandate to Japan.

ARTICLE 1

The Territory of the Pacific Islands, consisting of the islands formerly held by Japan under mandate in accordance with article 22 of the Covenant of the League of Nations, is hereby designated as a strategic area and placed under the trusteeship system established in the Charter of the United Nations. The Territory of the Pacific Islands is hereafter referred to as the trust territory.

ARTICLE 2

The United States of America is designated as the administering authority of the trust territory.

ARTICLE 3

The administering authority shall have full powers of administration, legislation, and jurisdiction over the territory subject to the provisions of this agreement, and may apply to the trust territory, subject to any modifications which the administering authority may consider desirable, such of the laws of the United States as it may deem appropriate to local conditions and requirements.

APPENDIX C

Trusteeship Agreement for the Trust Territory of the Pacific Islands

PREAMBLE

Whereas Article 77 of the Charter of the United Nations provides for the establishment of an International trusteeship system and for the application of such trusteeship system may be applied to territories now held under mandate; and

Whereas on 17 December 1920 the Council of the League of Nations confirmed a mandate for the Power Having Full Powers over the territory to which the Japanese Islands north of the equator to Japan, to be administered in accordance with Article 22 of the Covenant of the League of Nations; and

Whereas Japan, as a result of the Second World War, has ceased to exercise any authority in these islands;

Now, therefore the Security Council of the United Nations having satisfied itself that the relevant Articles of the Charter have been complied with, hereby resolves to approve the following terms of trusteeship for the Pacific Islands formerly under mandate to Japan.

ARTICLE 1

The Territory of the Pacific Islands, consisting of the islands formerly held by Japan under mandate in accordance with Article 22 of the Covenant of the League of Nations, is hereby designated as a strategic area and placed under the trusteeship system established in the Charter of the United Nations. The Territory of the Pacific Islands is hereafter referred to as the Trust Territory.

ARTICLE 2

The Trust Territory of the Pacific Islands is hereby designated as a strategic area in accordance with Article 83 of the Charter of the United Nations.

ARTICLE 3

The administering authority shall have full powers of administration, legislation, and jurisdiction over the Territory subject to the provisions of this Agreement, and may apply to the Trust Territory, subject to any modifications which the administering authority may consider desirable, such of the laws of the United States as it may deem appropriate to local conditions and requirements.

ARTICLE 4

The administering authority, in discharging the obligations of trusteeship in the trust territory, shall act in accordance with the Charter of the United Nations, and the provisions of this agreement, and shall, as specified in Article 83 (2) of the Charter, apply the objectives of the international trusteeship system, as set forth in article 76 of the Charter, to the people of the trust territory.

ARTICLE 5

In discharging its obligations under article 76 (2) and article 84, of the Charter, the administering authority shall ensure that the trust territory shall play its part, in accordance with the Charter of the United Nations, in the maintenance of international peace and security. To this end the administering authority shall be entitled:

1. to establish naval, military, and air bases and to erect fortifications in the trust territory.
2. to station and employ armed forces in the territory; and
3. to make use of volunteer forces, facilities, and assistance from the trust territory in carrying out the obligations towards the Security Council undertaken in this regard by the administering authority, as well as for the local defense and the maintenance of law and order within the trust territory.

ARTICLE 6

In discharging its obligations under article 76 (b) of the Charter, the administering authority shall:

1. Foster the development of such political institutions as are suited to the trust territory and shall promote the development of the inhabitants of the trust territory toward self-government or independence as may be appropriate to the particular circumstances of the trust territory and its peoples and the freely expressed wishes of the peoples concerned; and to this end shall give to the inhabitants of the trust territory a progressively increasing share in the administrative services in the territory; shall develop their participation in government; shall give due recognition to the customs of the inhabitants in providing a system of law for the territory; and shall take other appropriate measures toward these ends;
2. Promote the economic advancement and self-sufficiency of the inhabitants, and to this end shall regulate the use of natural resources; encourage the development of fisheries, agriculture, and industries; protect the inhabitants against the loss of their lands and resources; and improve the means of transportation and communication;

3. Promote the social advancement of the inhabitants and to this end shall protect the rights and fundamental freedoms of all elements of the population without discrimination; protect the health of the inhabitants; control the traffic in arms and ammunition, opium and other dangerous drugs, and alcohol and other spiritous beverages; and institute such other regulations as may be necessary to protect the inhabitants against social abuses; and

4. Promote the educational advancement of the inhabitants, and to this end shall take steps toward the establishment of a general system of elementary education; facilitate the vocational and cultural advancement of the population; and shall encourage qualified students to pursue higher education, including training on the professional level.

ARTICLE 7

In discharging its obligations under article 76 (c), of the Charter, the administering authority shall guarantee to the inhabitants of the trust territory freedom of conscience, and, subject only to the requirements of public order and security, freedom of speech, of the press, and of assembly; freedom of worship, and of religious teaching; and freedom of migration and movement.

ARTICLE 8

1. In discharging its obligations under article 76 (d) of the Charter, as defined by article 83 (2) of the Charter, the administering authority, subject to the requirements of security, and the obligation to promote the advancement of the inhabitants, shall accord to nationals of each Member of the United Nations and to companies and associations organized in conformity with the laws of such Member, treatment in the trust territory no less favourable than that accorded therein to nationals, companies and associations of any other United Nation except the administering authority.

2. The administering authority shall ensure equal treatment to the Members of the United Nations and their nationals in the administration of justice.

3. Nothing in this Article shall be so construed as to accord traffic rights to aircraft flying into and out of the trust territory. Such rights shall be subject to agreement between the administering authority and the state whose nationality such aircraft possesses.

4. The administering authority may negotiate and conclude commercial and other treaties and agreements with Members of the United Nations and other states, designed to attain for the inhabitants of the trust territory treatment by the Members of the United Nations and other states no less favourable than that granted by them to the nationals of other states. The Security

Council may recommend, or invite other organs of the United Nations to consider and recommend, what rights the inhabitants of the trust territory should acquire in consideration of the rights obtained by Members of the United Nations in the trust territory.

ARTICLE 9

The administering authority shall be entitled to constitute the trust territory into a customs, fiscal, or administrative union or federation with other territories under United States jurisdiction and to establish common services between such territories and the trust territory where such measures are not inconsistent with the basic objectives of the international Trusteeship System and with the terms of this agreement.

ARTICLE 10

The administering authority, acting under the provisions of article 3 of this agreement, may accept membership in any regional advisory commission, regional authority, or technical organization, or other voluntary association of states; may cooperate with specialized international bodies, public or private, and may engage in other forms of international cooperation.

ARTICLE 11

1. The administering authority shall take the necessary steps to provide the status of citizenship of the trust territory for the inhabitants of the trust territory.

2. The administering authority shall afford diplomatic and consular protection to inhabitants of the trust territory when outside the territorial limits of the trust territory or of the territory of the administering authority.

ARTICLE 12

The administering authority shall enact such legislation as may be necessary to place the provisions of this agreement in effect in the trust territory.

ARTICLE 13

The provisions of articles 87 and 88 of the Charter, shall be applicable to the trust territory, provided that the administering authority may determine the extent of their applicability to any areas which may from time to time be specified by it as closed for security reasons.

ARTICLE 14

The administering authority undertakes to apply in the trust territory the provisions of any international conventions and recommendations which may be appropriate to the particular circumstances of the trust territory and which would be conducive to the achievement of the basic objectives of Article 6 of this agreement.

ARTICLE 15

The terms of the present agreement shall not be altered, amended or terminated without the consent of the administering authority.

ARTICLE 16

The present agreement shall come into force when approved by the Security Council of the United Nations and by the Government of the United States after due constitutional process.

*See U. S. Treaties--Treaties and Other International Acts Series (TIAS 1665); also U. S. Statutes at Large, Vol. LXI, Part 3, pp. 3301-3305.

APPENDIX D

Executive Order 10265*

Whereas the Trust Territory of the Pacific Islands (hereinafter referred to as the trust territory) was placed under the trusteeship system established by the Charter of the United Nations by means of a trusteeship agreement approved by the Security Council of the United Nations on April 2, 1947, after due constitutional process; and

Whereas the United States, under the terms of the trusteeship agreement was designated as the administering authority of the trust territory, and has assumed obligations for the government thereof; and

Whereas Executive Order No. 9875 of July 18, 1947 delegated authority and responsibility for the civil administration of the trust territory to the Secretary of the Navy on an interim basis; and

Whereas a committee of the Secretaries of State, War, the Navy and the Interior recommended on July 18, 1947, that administrative responsibility for the trust territory be transferred to a civilian agency of the government at the earliest practicable date; and

Whereas plans for the orderly transfer of administrative responsibility for trust territory from the Secretary of the Navy to the Secretary of the Interior and embodied in a memorandum of understanding between the Department of the Navy and the Department of the Interior, approved by me on September 23, 1949, and it is the view of the two departments, as expressed in that memorandum, that such transfer should take effect on July 1, 1951; and

Whereas the transfer of administration of the trust territory from the Secretary of the Navy to the Secretary of the Interior, effective July 1, 1951, appears to be in the public interest:

Now, therefore, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

1. The administration of the trust territory is hereby transferred from the Secretary of the Navy to the Secretary of the Interior, such transfer to become effective on July 1, 1951.

2. The Department of the Navy and the Department of the Interior shall proceed with the plans for the transfer of administration of the trust territory as embodied in the above mentioned memorandum of understanding between the two departments.

3. When the transfer of administration made by this order becomes effective, the Secretary of the Interior shall take such action as may be necessary and appropriate, and in harmony with applicable law, for the administration of civil government in the trust territory and shall, subject to such policies as the President may from time to time prescribe and when appropriate,

APPENDIX C

[illegible] Order 10015*

in collaboration with other departments or agencies of the Government, carry out the obligations assumed by the United States as the administering authority of the trust territory under the terms of the trusteeship agreement approved by the United States on July 18, 1947, and under the Charter of the United Nations: Provided, however, that the authority to specify parts or all of the trust territory as closed for security reasons and to determine the extent to which Articles 87 and 88 of the Charter of the United Nations shall be applicable to such closed areas in accordance with Article 13 of the Trusteeship Agreement, shall be exercised by the President: and provided further, that the Secretary of the Interior shall keep the Secretary of State currently informed of activities in the trust territory affecting the foreign policy of the United States and shall consult the Secretary of State on questions of policy concerning the trust territory which relate to the foreign policy of the United States, and that all relations between departments or agencies of the Government and appropriate organs of the United Nations with respect to the trust territory shall be conducted through the Secretary of State.

4. The executive departments and agencies of the Government are authorized and directed to cooperate with the Departments of the Navy and Interior in the effectuation of the provisions of this order.

Harry S. Truman

The White House
June 29, 1951

*Federal Register, Vol. 16 (July 3, 1951), pp. 6419-6420.

APPENDIX E

Executive Order 10480*

Whereas the administration of the Trust Territory of the Pacific Islands (hereinafter referred to as the trust territory) was transferred to the Secretary of the Interior by Executive Order No. 10265 of June 29, 1951, and

Whereas the purpose of the trusteeship agreement approved by the Security Council of the United Nations of April 2, 1947, and by the United States Government on July 18, 1947, can better be effectuated by placing in the Secretary of the Navy the authority and responsibility for the administration of that portion of the trust territory which includes TINIAN and SAIPAN:

Now, therefore by virtue of the authority vested in me as President of the United States, it is ordered as follows:

1. The administration of that portion of the trust territory which includes the islands of TINIAN and SAIPAN is hereby transferred from the Secretary of the Interior to the Secretary of the Navy, such transfer to become effective on January 1, 1953.

2. When the transfer of administration made by this order becomes effective, the Secretary of the Navy shall take such action as may be necessary and appropriate and in harmony with applicable law, for the administration of civil government in that portion of the trust territory which includes the islands of TINIAN and SAIPAN and shall, subject to such policies as the President may from time to time prescribe and, when appropriate, in collaboration with other departments or agencies of the Government, carry out the obligation assumed by the United States as the administering authority of the trust territory under the terms of the trusteeship agreement approved by the United States on July 18, 1947, and under the Charter of the United Nations: Provided, however, that the authority to specify parts or all of either of such islands as closed for security reasons and to determine the extent to which Articles 87 and 88 of the Charter of the United Nations shall be applicable to such closed areas, in accordance with Article 13 of the trusteeship agreement, shall be exercised by the President: And provided further, that the Secretary of the Navy shall keep the Secretary of State currently informed of activities on such islands affecting the foreign policy of the United States and shall consult the Secretary of State on questions of policy concerning such islands which relate to the foreign policy of the United States, and that all relations between departments or agencies of the Government and appropriate organs of the United Nations with respect to such islands shall be conducted through the Secretary of State.

[illegible]

3. The executive departments and agencies of the Government are authorized and directed to cooperate with the Departments of the Navy and Interior in the effectuation of the provisions of this order.

4. To the extent that they pertain to the islands of TINIAN and SAIPAN, the provisions of Executive Order No. 10265 of June 29, 1951, shall be superseded by the provisions of this order as of the date set out in the paragraph numbered 1, above.

Harry S. Truman

The White House
November 10, 1952

*Federal Register, Vol. 17 (November 13, 1952), p. 10277.

APPENDIX F

Executive Order 10470*

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

1. Executive Order No. 10408 of November 10, 1952, transferring the administration of that portion of the Trust Territory of the Pacific Islands which includes the islands of TINIAN and SAIPAN from the Secretary of the Interior to the Secretary of the Navy is hereby amended to provide that that portion of the Trust Territory of the Pacific Islands over which administration is transferred from the Secretary of the Interior to the Secretary of the Navy shall include all of the Northern Mariana Islands of the Trust Territory of the Pacific Islands except the Island of Rota.

2. Nothing contained in Executive Order No. 10408, as amended by this order, shall be construed to modify the rights or obligations of the United States under provision of the Trusteeship Agreement for the Trust Territory of the Pacific Islands approved by the President on July 18, 1947, or to affect or modify the responsibility of the Secretary of State to interpret the rights and obligation of the United States arising out of international agreements.

Dwight D. Eisenhower

The White House
July 17, 1953

*Federal Register, Vol. 18 (July 21, 1953), p. 4231.

APPENDIX F

Executive Order 10511*

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

1. Executive Order No. 10067 of September 27, 1949, transferring the administration of that portion of the Trust Territory of the Pacific Islands which includes the islands of TINIAN and SAIPAN from the Secretary of the Interior to the Secretary of the Navy is hereby amended to provide that portion of the Trust Territory of the Pacific Islands over which administration is transferred from the Secretary of the Interior to the Secretary of the Navy shall include all of the Northern Marianas Islands of the Trust Territory of the Pacific Islands except the Island of Rota.

2. Nothing contained in Executive Order No. 10067, as amended by this order, shall be construed to modify the rights or obligations of the United States under provision of the Trusteeship Agreement for the Trust Territory of the Pacific Islands approved by the President on July 18, 1947, or to affect or modify the responsibility of the Secretary of State to interpret the rights and obligations of the United States arising out of international agreements.

Dwight D. Eisenhower

The White House
July 17, 1953

*Federal Register, Vol. 18 (July 22, 1953), p. 4219.

APPENDIX G

General Assembly Resolution 1413 (XIV)*

Attainment of Self-Government or Independence
by Trust Territories

The General Assembly,

Considering that the basic objective of the International Trusteeship System under the Charter of the United Nations is the progressive development of the inhabitants of Trust Territories toward self-government or independence,

Recalling its resolutions 558 (VI) of January 1952, 1064 (XI) of 26 February 1957, 1207 (XII) of 13 December 1957 and 1274 (XIII) of 5 December 1958,

Noting with satisfaction that the dates for the attainment of independence of Togoland under French administration, the Cameroons under French administration and Somaliland under Italian administration have already been set,

Noting further that the time-table proposed by the Administering Authority provides for the attainment of independence by Western Samoa under New Zealand administration in the course of 1961, and that processes leading to the termination of trusteeship over the Cameroons under British administration in 1961 have already been set in motion,

Believing that the formulation of plans and targets in advance can assist in the acceleration of the progress of the inhabitants of Trust Territories towards independence,

Considering therefore that at this stage it is both necessary and desirable to foresee the course of developments leading to the attainment of independence by the Trust Territories of Tanganyika and Ruanda-Urundi in the near future,

Having examined part I, chapter V, of the report of the Trusteeship Council,

1. Requests the Administering Authorities concerned to propose, after consultation with the representatives of the inhabitants, for the consideration of the General Assembly at its fifteenth session, time-tables and targets for the attainment of independence by the Trust Territories of Tanganyika and Ruanda-Urundi in the near future;

APPENDIX D

General Assembly Resolution 1514 (XV)*

Declaration on the Granting of Independence to Colonial Countries and Peoples

The General Assembly,

Considering that the peoples of the United Nations in the preamble to the Charter of the United Nations reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Desiring to promote international co-operation on the basis of respect for the principles of equal rights and self-determination of peoples and their right to freely pursue their economic, social and cultural development,

Considering the need for the creation of conditions of stability and well-being and peaceful and friendly relations based on respect for the principles of equal rights and self-determination of all peoples and of universal respect for human rights and fundamental freedoms without distinction as to race, sex, language or religion,

Considering the urgent need to bring to a speedy and unconditional end colonialism in all its forms and manifestations,

Considering also the Declaration adopted by the Asian-African Conference at Bandung in April 1955, the Declaration adopted by the Conference of Independent African States at Accra in April 1958, the Resolutions adopted by the Conference of African States at Monrovia in July 1959, the Resolutions adopted by the Conference of Non-Governmental Organizations of the African Region at Addis Ababa in February 1960, the Resolutions adopted by the Conference of Non-Governmental Organizations on the Declaration on the Granting of Independence to Colonial Countries and Peoples at United Nations Headquarters in June 1960, and the Resolutions adopted by the All-African Peoples' Conference at Tunis in January 1960,

Recalling the Resolutions 1514 (XIV) of 14 December 1959, 1654 (XVI) of 27 November 1961, 1810 (XVII) of 17 December 1962 and 1956 (XVIII) of 11 December 1963,

Noting with satisfaction that the Trust Territories of Tanganyika and Ruanda-Urundi in the sphere of International Trusteeship have become Independent States,

Considering that the process of liberation is irresistible and irreversible and that, in order to avoid serious crises, all dependent peoples should be enabled to exercise their right to complete independence, and that all armed or other repressive measures directed against them should be brought to an end to enable them to exercise peacefully and freely their right to complete independence, and that the integrity of their national territory should be respected,

Considering that the United Nations should create conditions for the rapid and absolute elimination of colonialism, as well as all practices of segregation and discrimination associated therewith, and that to this end the United Nations should ensure the full freedom to exercise their sovereign rights and the inviolability of their national territory,

Convinced that the process of liberation is irresistible and irreversible and that, in order to avoid serious crises, all dependent peoples should be enabled to exercise their right to complete independence, and that all armed or other repressive measures directed against them should be brought to an end to enable them to exercise peacefully and freely their right to complete independence, and that the integrity of their national territory should be respected,

Solemnly proclaims the necessity of bringing to a speedy and unconditional end colonialism in all its forms and manifestations;

And to this end

Declares that:

1. The subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and co-operation.

2. Invites the Administering Authorities concerned to formulate, in respect of the remaining Trust Territories, early successive intermediate targets and dates in the fields of political, economic, social and educational development so as to create, as soon as possible, favourable conditions for the attainment of self-government or independence;

3. Requests the Trusteeship Council, in its examination of the annual reports submitted by the Administering Authorities and in formulating the terms of reference of the 1960 visiting mission to Trust Territories in Africa, to keep in view the provisions of the present resolution.

846th plenary meeting
5 December 1959

*United Nations, Resolutions adopted by the General Assembly during its Fourteenth Session, 15 September - 13 December 1959, U. N. Doc. A/4354.

2. Invites the international authorities concerned to formulate, in respect of the remaining Trust Territories, early successive international measures with a view to the fruitful, economic, social and educational development as well as early, as soon as possible, independence conditions for the attainment of self-government or independence;

3. Requests the Trusteeship Council, in its examination of the annual reports submitted by the administering authorities and in formulating the terms of reference of the visiting missions to Trust Territories in Africa, to keep in view the provisions of the present resolution.

[illegible]
5 December 1958

Official Records, Resolutions adopted by the General Assembly during its fourteenth session, 15 September - 13 December 1959, p. 48, doc. A/4354.

APPENDIX H

General Assembly Resolution 1514 (XV)*

Declaration on the Granting of Independence To Colonial Countries and Peoples

The General Assembly,

Mindful of the determination proclaimed by the peoples of the world in the Charter of the United Nations to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small and to promote social progress and better standards of life in larger freedom,

Conscious of the need for the creation of conditions of stability and well-being and peaceful and friendly relations based on respect for the principles of equal rights and self-determination of all peoples, and of universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recognizing the passionate yearning for freedom in all dependent peoples and the decisive role of such peoples in the attainment of their independence,

Aware of the increasing conflicts resulting from the denial of or impediments in the way of the freedom of such peoples, which constitute a serious threat to world peace,

Considering the important role of the United Nations in assisting the movement for independence in Trust and Non-Self-Governing Territories,

Recognizing that the peoples of the world ardently desire the end of colonialism in all its manifestations.

Convinced that the continued existence of colonialism prevents the development of international economic cooperation, impedes the social, cultural and economic development of dependent peoples and militates against the United Nations ideal of universal peace,

Affirming that peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law,

Believing that the process of liberation is irresistible and irreversible and that, in order to avoid serious crises, an end must be put to colonialism and all practices of segregation and discrimination associated therewith,

Welcoming the emergence in recent years of a large number of dependent territories into freedom and independence, and recognizing the increasingly powerful trends towards freedom in such territories which have not yet attained independence,

Convinced that all peoples have an inalienable right to complete freedom, the exercise of their sovereignty and the integrity of their national territory,

Solemnly proclaims the necessity of bringing to a speedy and unconditional end colonialism in all its forms and manifestations;

And to this end

Declares that:

1. The subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and co-operation.

2. All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

3. Inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence.

4. All armed action or repressive measures of all kinds directed against dependent peoples shall cease in order to enable them to exercise peacefully and freely their right to complete independence, and the integrity of their national territory shall be respected.

5. Immediate steps shall be taken, in Trust and Non-Self-Governing Territories or all territories which have not yet attained independence, to transfer all powers to the peoples of those territories, without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinction as to race, creed or colour, in order to enable them to enjoy complete independence and freedom.

6. Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations.

7. All States shall observe faithfully and strictly the provisions of the Charter of the United Nations, the Universal Declaration of Human Rights and the present Declaration on the basis of equality, non-interference in the internal affairs of all States, and respect for the sovereign rights of all peoples and their territorial integrity.

947th plenary meeting
14 December 1960

6* United Nations, Official Records of the General Assembly, U. N. Doc. A/4684.

APPENDIX I

Letter Dated March 7, 1961 From The Popular Party of Saipan To The United Nations Visiting Mission*

Argument in Favour of Re-Integration

THE MARIANA ISLANDS

I. The Mariana Islands are historically, racially, culturally, and geographically one entity and the artificial barriers now separating them should be removed in line with the desires of the people of these islands

It should be first noted that the Mariana Islands are a small chain of islands in the Pacific, each practically in the sight of the other, which have, since their discovery by Magellan, and considerably prior thereto, been inhabited by substantially the same people, speaking the same language, having the same religion and culture, sharing common ways of life. Guam has traditionally been the centre of Mariana life since it is the largest, and most heavily populated islands of the chain have always been occupied by those having common ancestry with the people of Guam, and the culture running up and down the chain is for all practical purposes the same.

When a people speak the same language, are culturally related, have the same religion, follow the same customs, geographical link, and are only divided by artificial barriers constructed from no choice of their own, it is only natural in this day of nationalism and self-determination that they have an emotional and fervent desire to be reunited in one governmental entity.

It must be remembered that Spain, the long time suzerain of the Marianas, considered the islands as an indivisible entity, as, of course did the early Chamorros prior to Spain's occupation. The division of the Marianas into three differently administered groups has no connexion whatsoever with any cultural difference between the peoples of the Territory. In line with the principles outlined in the United Nations Charter, the peoples of the Marianas who are united in one culture and race should be permitted to be reunited into one political entity.

II. The economic division of the Marianas into the Saipan District, Rota, and the Territory of Guam is completely impracticable and creates a hardship in the three part of the Marianas

APPENDIX I

Letter dated March 7, 1921 from the
Foreign Party of Belgium to the
Belgian Foreign Office Minister

Expression of Sorrow at Re-Invasion

The Belgian Islands

I. The Belgian Islands are distinctively Belgian, culturally, and geographically the Congo and the Antilles. Leaving the disputing tribes should be removed in time also the desires of the people of these islands

It should be first noted that the Belgian Islands are a small group of islands in the Pacific, most prevalently in the style of the other, which have, since their discovery by Belgium, and consequently quite thereby been indebted to subsequently the same people, speaking the same language, having the most religious and cultural, shaping customs alike of life. Once the Constitutionally the country of Belgium like which it by the Congress, and more heavily populated island of the chain have always been occupied by those having common ancestry with the people of Congo, and the natives residing in or upon the chain is for all practical purposes the same.

When a Belgian enters the same language, are culturally related, have the same religion, follow the same customs, participated live, and all duly invited by articles carefully constructed from on treaties at their own, it is duly imbued in this day at particular the well-considered that they have so fulfilled and forever desire to be united in one government solely.

It must be remembered that they, the Congo like sovereign is the Belgians, completely the friends on an individual entity, be, of course in the early treaties prior to Congo's occupation, the direction of the Belgians like these ultimately substituted Congo to consider Belgium as any natural citizens between the people of the Country. In like with the particular relations in the United States, the people of the Belgians are united in one nature and this should be granted to an country like the political unity.

II. The economic division is the division over the Belgian Islands, and the leading of that is similarly interested and evenly a monopoly in the share part of the Congo

Very shortly after Spain lost Guam, following the Treaty of Paris, she sold the remaining Mariana Islands to Germany thereby demonstrating that it considered attempting to maintain and support the Mariana Islands separate and apart from Guam was a foolish and uneconomic undertaking. The islands are so close together that it is unnatural for any trade or other barrier to exist between them. The economy of Guam is presently dependent on the military spending; the economy of Rota is dependent on the generosity of the Interior administration of the Trust Territory. In the future, it is more likely that the military expenditures on Guam will slacken, and it cannot be expected that the Navy will perpetually wish to subsidize the economy of Saipan, nor the Trust Territory that of Rota. However, if the entire chain was politically united, and men, materials and trade flowed freely and without harassment among the islands, it is entirely possible that a viable economy could be developed independent of any outside assistance. The Japanese were successful on Tinian and Saipan in raising a large sugar crop, while before the war Guam was nearly self-sustaining agriculturally. There is no reason to believe that if the Marianas were again a single economic unit they could not work out a functional division of their economy among the different islands in such a way as to create jobs for all and prosperity for the entire chain.

III. The reunion of the Marianas Islands into one political entity would not violate the spirit of the United Nations Charter

As we understand it the Charter of the United Nations provides that all people everywhere have the right of self-determination and of the choice of government under which they live. As this applies to the Marianas, it might be argued that this means that we the people of the Marianas must aspire to complete political independence, since this has been the traditional aspiration of all former colonial peoples. However, this is not the goal which we seek. What we desire, first of all, is the reunion of the people under one form of government. We have been separated by historical accidents for the last sixty years, over which we had absolutely no control, nor were we in any way consulted. Hence our principal desire at this point is that of being reunited with our kinsmen. When you can stand on one island and see the next and realize that your cousin on the nearby island is a citizen of a different country than you, that you cannot visit him without a considerable waiting period, and filling out of forms, that it would be almost impossible for he and you to go into business together, and that neither of you have any control over your common destiny, your principal political aim becomes that of joining your cousin under the same form of government. As a matter of practical fact, the government of the Territory of Guam is the appropriate government of the remaining Marianas, since

Guam is by far the largest and most populated of the chain and has been traditionally and is logically the capital. Furthermore at this stage, its form of government is considerably more advanced than that of the others. It has a locally-elected legislature with the control over the expenditures of locally-raised funds. Its citizens are citizens of the United States who can travel freely back and forth between Guam and the United States, and although it has been characterized as a non-self-governing dependency of the United States in point of fact it has a considerable degree of self-government, and has much greater political freedom than the surrounding islands. This being the case, the logical next step in the development of both the Territory of Guam and the remaining Marianas would be the reunion politically of the Northern Marianas within the Territory of Guam.

On 5 February 1961, a plebiscite was held in the Saipan District revealing the fact that out of the total qualified voters of 2,847 who cast their votes, 1,557 ballots were in support of the reintegration of the entire Mariana Islands. Opposition to the intention of unification totalled 818 of which voters in the number of 676 are of Carolinian descendants who have entirely no relation whatsoever in Guam, and the rest are composed of local businessmen and top U. S. Navy employees. However, quite a few of the Carolinian descendents favour the unification of the Marianas with Guam. It is proposed that the United Nations, the United States, the Territory of Guam and the rest of the Marianas work out a method whereby this aspiration of the people of Saipan can be obtained.

Saipan, 7 March 1961

(Signed) Francisco T. Palacios
Legislator and Chairman, Popular Party

*United Nations, Official Records of the Trusteeship Council Report of the United Nations Visiting Mission to the Trust Territory of the Pacific Islands, 1961, U. N. Doc. T/1582.

APPENDIX J

Petition to the United Nations Visiting Mission relative to respectfully requesting and memoralizing the United Nations and the United States Congress to take under serious consideration the future annexation of the Saipan District to the United States as a separate and distinct United States Territory*

Be it petitioned by the following members of the Legislature of Saipan:

Whereas, the following petitioners represent a majority of the Thirteenth Saipan Legislature in which this petition was submitted on behalf of the people of Saipan, Mariana Islands: and

Whereas, as a result of the conflict attendant upon the Second World War, the United Nations was born, which organization has as one of its primary purposes the self-government, and self-determination of the Trust Territory of the Pacific Islands and to that end instituted a Trusteeship Agreement to assure such self-determination to the people under their trust; and

Whereas, under Chapter XII, Article 76, Sub-paragraph b of the Charter of the United Nations provides that one of the basic objectives of the Trusteeship System shall be: To promote the political, economic, social and educational advancement of the inhabitants of the Trust Territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each Territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each Trusteeship Agreement; and

Whereas, the Charter of the United Nations, Chapter XI, declaration regarding Non-Self-Governing Territories in the Article 73, sub-paragraph b, provides in part as follows: "to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each Territory and its peoples and their varying stages of advancement . . ." and

Whereas, the people of Saipan District have determined almost unanimously that they strongly desire to become a part of the United States and to be granted United States Citizenship, which said desire has been evidenced by the last plebiscite conducted on the 5th day of February 1961, an official copy of the results of which are attached hereto and made a part of this petition; and

Whereas, the people of Saipan strongly desire all of the islands inhabited or uninhabited of the Saipan District be a part of the United States of America in order to acquire national status and become either a possession or a territory upon determination by the United States that the inhabitants are ready, able, and willing to assume such responsibility; and

Whereas, if the Saipan District is annexed to the United States of America, the inhabitants will advance even further politically, economically, educationally and socially and be assured of national status;

Wherefore it is respectfully petitioned:

1. That the following members of the Thirteenth Saipan Legislature do hereby on behalf of the people of all the Saipan District including Rota Island, respectfully request and petition the United Nations and the United States Congress to cause the Saipan District including Rota Island to be incorporated into the United States of America as a possession or a separate territory of the United States including the granting of United States Citizenship.

2. That this petition does also serve as a sincere expression and deep gratitude of all the people of Saipan, Mariana Islands, to the United States, the Administering Authority, for their protection and their keen interest in promoting the advancement of the people, which made possible this petition.

3. That these copies of the petition be thereafter transmitted to His Excellency Carlos Salamanca, Chairman of the United Nations Visiting Mission, to the President of the United States, to the President of the Senate, to the Speaker of the House of Representatives, to the Chairman of the Committees on Interior and Insular Affairs, Senate and House, to the Secretary of the Interior, to the Secretary of the Navy, to the Chief of Naval Operations, to the Commander-in-Chief, U. S. Pacific Fleet, to the Commander Naval Forces Marianas, to the High Commissioner of the Trust Territory, to the Naval Administrator of the Saipan District, to the Chairman of the Tinian Congress and to the Chairman of the Rota Congress.

Dated this 7th day of March 1961

Various signatories

*United Nations, Official Records of the Trusteeship Council, Report of the United Nations Visiting Mission to the Trust Territory of the Pacific Islands, 1961, U. N. Doc. T/1582.

APPENDIX K

Executive Order 11021*

ADMINISTRATION OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS BY THE SECRETARY OF THE INTERIOR

WHEREAS the Trust Territory of the Pacific Islands was placed under the trusteeship system established in the Charter of the United Nations by means of a trusteeship agreement approved by the Security Council of the United Nations on April 2, 1947, and by the United States Government on July 18, 1947, after due constitutional process (hereafter referred to as the trusteeship agreement); and

WHEREAS the United States of America was designated under the terms of the trusteeship agreement as the administering authority of the Trust Territory referred to above (hereinafter referred to as the trust territory); and

WHEREAS the United States has heretofore assumed obligations for the civil administration of the trust territory and has carried out such civil administration under the provisions of Executive Orders Nos. 9875 of July 18, 1947, 10265 of June 29, 1951, 10408 of November 10, 1952, and 10470 of July 17, 1953; and

WHEREAS thereunder the Secretary of the Navy is now responsible for the civil administration of the Northern Mariana Islands except the Island of Rota and the Secretary of Interior is responsible for the civil administration of all the remainder of the trust territory; and

WHEREAS it appears that the purposes of the trusteeship agreement can best be effectuated at this time by placing in the Secretary of the Interior responsibility for the civil administration of all of the trust territory;

NOW, THEREFORE, by virtue of the authority vested in me by the Act of June 30, 1954 (68 Stat. 320; 48 U.S.C. 1681) and as President of the United States it is ordered as follows:

SECTION 1. Responsibility of Secretary of the Interior. The responsibility for the administration of civil government in all of the trust territory, and all executive, legislative, and judicial authority necessary for that administration, are hereby vested in the Secretary of the Interior. Subject to such policies as the President may from time to time prescribe, and in harmony with applicable law, and, where advantageous, in collaboration with other departments and agencies of the Government, the

Secretary of the Interior shall take such actions as may be necessary and appropriate to carry out the obligations assumed by the United States as the administering authority of the trust territory under the terms of the trusteeship agreement and under the Charter of the United Nations: Provided however, That the authority to specify parts or all of the trust territory as closed for security reasons and to determine the extent to which Articles 87 and 88 of the Charter of the United Nations shall be applicable to such closed areas, in accordance with Article 13 of the trusteeship agreement, shall be exercised by the President: And provided further, That the Secretary of the Interior shall keep the Secretary of State currently informed of activities in the trust territory affecting the foreign policy of the United States and shall consult with the Secretary of State on questions of policy concerning the trust territory which related to the foreign policy of the United States, and that all relations between the departments and agencies of the Government and appropriate organs of the United Nations with respect to the trust territory shall be conducted through the Secretary of State.

SEC. 2. Redelegation of authority. The executive, legislative, and judicial authority provided for in section 1 of this order may be exercised through such officers or employees of the Department of the Interior, or through such other persons under the jurisdiction of the Secretary of the Interior, as the Secretary may designate, and shall be exercised in such manner as the Secretary, or any person or persons acting under the authority of the Secretary, may direct or authorize.

SEC. 3. Cooperation with Department of the Interior. The executive departments and agencies of the Government shall cooperate with the Department of the Interior in the effectuation of the provisions of this order.

SEC. 4. Prior orders. To the extent not heretofore superseded or otherwise rendered inapplicable, the following are hereby superseded:

(1) Executive Order No. 10265 of June 20, 1951.

(2) Executive Order No. 10408 of November 10, 1952.

(3) Executive Order No. 10470 of July 17, 1953.

SEC. 5. Saving provisions. (a) Existing laws, regulations, orders, appointment, or other acts promulgated, made, or taken by the Secretary of the Interior or his delegates under the authority of Executive Order No. 10265, as amended and in effect immediately prior to the effective date of this order, shall remain in effect until they are superseded in pursuance of the provisions of this order.

(b) Nothing contained in this order shall be construed as modifying the rights or obligations of the United States under the provisions of the trusteeship agreement or as affecting or modifying the responsibility of the Secretary of State to interpret the rights and obligations of the United States arising out of that agreement.

SEC. 6. Effective date. The provisions of this order shall become effective July 1, 1962.

JOHN F. KENNEDY

THE WHITE HOUSE,
May 7, 1962.

*Federal Register, Vol 27 (May 9, 1962), pp. 4409-4410.

APPENDIX L

H. R. 12048

87TH CONGRESS
2D SESSION

H. R. 12048

IN THE HOUSE OF REPRESENTATIVES

JUNE 7, 1962

Mr. ASPINALL introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

A BILL

To provide for the settlement of claims of certain residents of the Trust Territory of the Pacific Islands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby assumes compassionate responsibility to compensate inhabitants of the Rongelap Atoll, in the Trust Territory of the Pacific Islands, for radiation exposures sustained by them as a result of a thermonuclear detonation at Bikini Atoll in the Marshall Islands on March 1, 1954.

SEC. 2. There is authorized to be appropriated for such purpose out of the Treasury of the United States the sum of $1,000,000 to remain available until expended under the

supervision of the Secretary of the Interior (hereinafter referred to as the "Secretary") for the general benefit of the affected inhabitants of Rongelap. The Secretary may segregate a portion of the sum for each affected individual, and hold it in trust for the individual or his heirs or legatees (hereinafter referred to as the "beneficiary" or "beneficiaries"), subject to the provisions of this Act. The amounts segregated and held by the Secretary in trust for individual beneficiaries, and the unsegregated balance, shall, if invested by him, be invested in a manner that in his judgment is prudent.

SEC. 3. (a) The interest or dividends earned from each trust held for an individual beneficiary shall be paid at least annually by the Secretary to such beneficiary. When, in the opinion of the Secretary, there appears to be a substantial benefit to be derived therefrom by any beneficiary, the Secretary may, upon request of the beneficiary, and under such conditions as he may deem appropriate, make the principal sum, or any part thereof, available for expenditure by such beneficiary. Any payment under this subsection may be made directly to a beneficiary who is twenty-one years of age or older. In the case of a beneficiary who is less than twenty-one years of age or who is, in the opinion of the Secretary, mentally incompetent, payment may be made in

the discretion of the Secretary to the beneficiary, a parent, relative, other person, or institution for his benefit.

(b) The principal, interest, and dividends from funds held for the general benefit of the affected inhabitants of Rongelap shall be used for such purposes as the Secretary deems appropriate.

SEC. 4. A trust for an individual beneficiary created pursuant to this Act may be terminated by the Secretary at any time, and if after reasonable search the beneficiary cannot be located, the principal and accumulated interest and dividends may be added to the unsegregated balance of the funds held for the general benefit of the affected inhabitants of Rongelap.

SEC. 5. The Secretary is authorized to pay reasonable attorney fees for legal services rendered on behalf of a beneficiary, or beneficiaries, prior to the date of enactment of this Act. Such fees shall be paid out of the funds authorized to be appropriated in section 2 of this Act, but the total of such fees paid shall not exceed 5 per centum of the appropriated funds.

SEC. 6. The decisions of the Secretary in carrying out the provisions of this Act shall be final and not subject to review.

87TH CONGRESS
2D SESSION

H. R. 12048

A BILL

To provide for the settlement of claims of certain residents of the Trust Territory of the Pacific Islands.

By Mr. ASPINALL

JUNE 7, 1962
Referred to the Committee on Interior and Insular Affairs

APPENDIX M

S. 2775

A BILL

Union Calendar No. 797

87TH CONGRESS
2D SESSION

S. 2775

[Report No. 1936]

IN THE HOUSE OF REPRESENTATIVES

MARCH 6, 1962

Referred to the Committee on Interior and Insular Affairs

JUNE 27, 1962

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in italic]

AN ACT

To amend the Act of June 30, 1954, providing for a continuance of civil government for the Trust Territory of the Pacific Islands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the appropriation authorization in section 2 of the Act of June 30, 1954 (68 Stat. 330), is hereby amended by increasing it from $7,500,000 to ~~$15,000,000~~ *$17,500,000: Provided, That not more than $15,000,000 is authorized to be appropriated for the fiscal year 1963.*

Passed the Senate March 5, 1962.

Attest: FELTON M. JOHNSTON,

Secretary.

Union Calendar No. 797

87TH CONGRESS
2D SESSION

S. 2775

[Report No. 1936]

AN ACT

To amend the Act of June 30, 1954, providing for a continuance of civil government for the Trust Territory of the Pacific Islands.

MARCH 6, 1962

Referred to the Committee on Interior and Insular Affairs

JUNE 27, 1962

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

APPENDIX B

FUNDING DATA
FY 1961 - FY 1962 - FY 1963 - FY 1964
Trust Territory of the Pacific Islands

Grants	(Actual) FY 1961	(Estimate) FY 1962	FY 1963	FY 1964
Construction	$ 982,387	$ 1,350,000	$ 9,535,000	$ 9,000,000
Health, Education, Economic and Political Development:				
(a) Public Health	583,901	575,000	700,000	700,000
(b) Education	506,406	575,000	1,295,000	4,150,000
(c) Economic and Political Development	452,613	497,000	836,000	835,000
(d) Legal and Public Safety	203,708	184,000	210,000	210,000
Operation, Maintenance and Transportation:				
(a) Operation and Maintenance of Physical Plant	1,301,259	1,000,000	1,450,000	1,600,000
(b) Radio Communications	171,693	175,000	300,000	300,000
(c) Sea Transportation	1,207,766	1,100,000	1,610,000	1,520,000
(d) Air Transportation	384,118	600,000	420,000	500,000
General Administration	1,394,631	1,490,500	1,320,000	1,300,000
Saipan Administration (included in Navy budget)*	-	-	1,100,000	1,200,000
Direct Appropriation				
High Commissioner's Office	78,844	71,400	92,000	95,000
Judiciary	62,545	86,100	87,000	90,000
Sub-Total	7,329,871	7,704,000	18,955,000	21,500,000
Less Estimated Revenues	- 1,404,871	- 1,400,000	- 1,500,000	- 1,500,000
Total Funding Requirements	$5,925,000	$6,304,000	$17,455,000	$20,000,000

*1961, $878,217; 1962, $876,000

APPENDIX O

Excerpt from H. R. 10802

An Act Making Appropriations for The Department of The Interior and Related Agencies for the Fiscal Year Ending June 30, 1963, and for Other Purposes

EXCERPT FROM H. R. 10802

TRUST TERRITORY OF THE PACIFIC ISLANDS

For expenses necessary for the Department of the Interior in administration of the Trust Territory of the Pacific Islands pursuant to the Trusteeship Agreement approved by joint resolution of July 18, 1947 (61 Stat. 397), and the Act of June 30, 1954 (68 Stat. 330), including the expenses of the High Commissioner of the Trust Territory of the Pacific Islands; compensation and expenses of the Judiciary of the Trust Territory of the Pacific Islands; grants to the Trust Territory of the Pacific Islands in addition to local revenues, for support of governmental functions; $6,600,000: Provided, That the revolving fund for loans to locally owned private trading enterprises shall continue to be available during the fiscal year 1963: Provided further, That all financial transactions of the Trust Territory, including such transactions of all agencies or instrumentalities established or utilized by such Trust Territory, shall be audited by the General Accounting Office in accordance with the provisions of the Budget and Accounting Act, 1921 (42 Stat. 23), as amended, and the Accounting and Auditing Act of 1950 (64 Stat. 832): Provided further, That the government of the Trust Territory of the Pacific Islands is authorized to make purchases through the General Services Administration: Provided further, That appropriations available for the administration of the Trust Territory of the Pacific Islands may be expended for the purchase, charter, maintenance, and operation of aircraft and surface vessels for official purposes and for commercial transportation purposes found by the Secretary to be necessary in carrying out the provisions of article 6 (2) of the Trusteeship Agreement approved by Congress: Provided further, That notwithstanding the provisions of any law, the Trust Territory of the Pacific Islands is authorized to receive, during the current fiscal year, from the Department of Agriculture for distribution on the same basis as domestic distribution in any State, Territory, or possession of the United States, without exchange of funds, such surplus food commodities as may be available pursuant to section 32 of the Act of August 24, 1935, as amended (7 U.S.C. 612c) and section 416 of the Agricultural Act of 1949, as amended (7 U.S.C. 1431).

APPENDIX P

H. R. 11932

87TH CONGRESS
2D SESSION

H. R. 11932

IN THE HOUSE OF REPRESENTATIVES

MAY 31, 1962

Mr. ASPINALL introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

A BILL

To assure payment of just compensation for the use and occupancy of certain lands on Kwajalein and Dalap Islands, Trust Territory of the Pacific Islands, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person from whom the United States or the government of the Trust Territory of the Pacific Islands has taken rights of possession, use, and occupancy of lands on Kwajalein and Dalap Islands within the said Trust Territory to which he was entitled under the traditions and customs of the Marshallese people and who or whose iroij elab has not accepted compensation in full satisfaction for all of his claims and demands against the United States and the government

of said Trust Territory arising out of said taking may, within one year from the date of this Act, file a petition for the determination by the United States Court of Claims of his claim for just compensation. Upon the timely filing of such petition, the said court shall have jurisdiction to hear and determine the value of the rights taken in the same manner and under the same rules as any other cause before it and in the light of such principles of equity, justice, and fair dealings as are pertinent to the cause. Any such claim may be heard and determined notwithstanding laches or the expiration of any period of limitations which would be applicable thereto in the absence of this Act. The judgment of the Court of Claims may provide either for payment of a lump sum for the indefinite possession, use, and occupancy by the United States and the government of the Trust Territory of the lands subject thereto or for the payment of an annual sum for such possession, use, and occupancy. Any judgment of the Court of Claims shall be subject to review by the Supreme Court of the United States on writ of certiorari and shall, whether against the United States or against the government of the Trust Territory, or both, be paid in accordance with the provisions of title 28, United States Code, section 2517, and of section 1302 of the Act of July 27, 1956 (70 Stat. 694), as amended (31 U.S.C. 724a). The payment of any claim, after its determination in accordance with this section, shall

be a full discharge of the United States and the government of the Trust Territory of all claims and demands touching any of the matters involved in the controversy and the failure to prosecute a claim as hereinbefore provided shall forever bar such claim.

SEC. 2. The iroij elab of any wato shall be a necessary party to any suit instituted under this Act. The alab and rijerbal of such wato shall be proper but not necessary parties to any such suit. The iroij elab shall be responsible for proper distribution among himself, the alab, the rijerbal, and any others interested in such wato of any payment made to him. Any dispute among them with respect to such distribution which cannot be resolved otherwise than by litigation shall be determined by the courts of the Trust Territory in accordance with the laws of the Trust Territory and the traditions and customs of the Marshallese people.

SEC. 3. The Attorney General of the United States or his assistants shall represent the United States and the government of the Trust Territory in all cases arising under this Act and may call upon the attorney general of the Trust Territory for such assistance as he is able to render, and shall have authority, with the approval of the Court of Claims, to compromise any such case. Any such compromise settlement shall be reported to the Congress by the Attorney Gen-

eral, stating the name of each claimant, the amount claimed, and the amount awarded.

SEC. 4. The fees of any attorney or attorneys representing Marshallese claimants in any action brought pursuant to this section shall be fixed by the Court of Claims at such amount as the court, in accordance with standards obtaining for prosecuting similar contingent claims, finds to be adequate compensation for services rendered and results obtained, plus reasonable expenses incurred in the prosecution of the claim. In fixing such fees, the court may give due weight to the fact that appropriated funds in the amount of approximately $500 per acre have heretofore been made available and are now available for a nonlitigious settlement of the claims referred to in section 1 of this Act, but the appropriation and availability of such amount shall not be construed as an admission by the United States or the government of the Trust Territory that this is the value of the rights of possession, use, and occupancy taken by them or be admitted as evidence to prove the same.

87TH CONGRESS
2D SESSION

H. R. 11932

A BILL

To assure payment of just compensation for the use and occupancy of certain lands on Kwajalein and Dalap Islands, Trust Territory of the Pacific Islands, and for other purposes.

By Mr. ASPINALL

MAY 31, 1962
Referred to the Committee on Interior and Insular Affairs

APPENDIX Q

H. R. 9275

H. R. 11932

A BILL

87TH CONGRESS
1ST SESSION

H. R. 9278

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 18, 1961

Mr. KYL introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

A BILL

To provide a government for the Trust Territory of Micronesia, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

This Act may be cited as the "Organic Act of the Trust Territory of Micronesia".

GENERAL PROVISIONS

SECTION 1. The Trust Territory of Micronesia (hereinafter referred to as Micronesia) comprises the Marianna Islands (other than Guam), the Marshall Islands and the Caroline Islands and are those islands formerly held by Japan under mandate from article 22 of the Covenant of the

League of Nations and which were placed under the trusteeship of the United Nations, and which by agreement between the United States and the Security Council of the United Nations, the United States is the administering authority.

SEC. 2. The government of Micronesia shall be under the general supervision of the Secretary of the Interior and shall have jurisdiction in all parts of Micronesia except that, in reservations designated by the President of the United States pursuant to section 34 of this Act.

SEC. 3. (a) The Congress reserves to the United States the conduct of the foreign affairs and defense of Micronesia. The Secretary of Interior shall keep the Secretary of State currently informed of activities in Micronesia affecting the foreign policy of the United States and Micronesia and shall consult the Secretary of State on questions of policy concerning Micronesia which relate to the foreign policy of the United States.

(b) The Secretary of State may, upon notification to the Secretary of the Interior, station personnel of the Department of State or of the Foreign Service at posts in Micronesia for the purpose of performing functions in connection with the foreign relations of the United States and of Micronesia.

SEC. 4. The President shall appoint, by and with the advice and consent of the Senate, a High Commissioner of

Micronesia, who shall hold office at the pleasure of the President. The High Commissioner shall be a citizen of the United States and shall not be an officer on active duty in the Armed Forces of the United States. The basic compensation of the High Commissioner shall be at the basic rate of $20,000 per annum to be paid by the United States. The High Commissioner's residence, to be provided by the United States, shall be at the seat of the government of Micronesia.

SEC. 5. The executive power of government in Micronesia shall be vested in the High Commissioner and shall be exercised under the supervision of the Secretary of Interior. The High Commissioner may grant pardons, commutations, paroles, and reprieves and remit fines and forfeitures for offenses against the laws of Micronesia, and may grant respites for all offenses against the applicable laws of the United States until the decision of the President can be ascertained. He shall commission all officers that he may be authorized to appoint. The High Commissioner may call upon the commanders of the military forces of the United States in Micronesia or Guam when necessary to prevent or suppress violence, insurrection, or rebellion, natural disaster, or to enforce the laws of Micronesia. The High Commissioner may, in case of rebellion or invasion or imminent danger thereof, when the public safety requires it, suspend

the right of habeas corpus, or place Micronesia or any part thereof under martial law, until the decision of the President is communicated to the High Commissioner. The High Commissioner shall have general supervision and control of all executive agencies and instrumentalities of the Government of Micronesia. He shall faithfully execute the laws of Micronesia. He shall coordinate and have general cognizance over all activities of the departments, bureaus, and offices of the Government of the United States in Micronesia. The President may, however, provide by Executive order that for security purposes any such department, bureau, or office shall not be subject to the coordination of the High Commissioner.

SEC. 6. The Secretary of Interior shall appoint a Deputy High Commissioner of Micronesia, in accordance with the Federal civil service laws, who shall have all of the powers of the High Commissioner during a vacancy in the office of the High Commissioner or the disability or temporary absence of the High Commissioner. He shall promulgate all laws and regulations of the High Commissioner, and he shall have such executive powers and perform such other duties as may be prescribed by law or assigned to him by the High Commissioner. He shall receive an annual salary at a rate established by the Secretary of the Interior in accordance with the standards provided in the Classification Act of 1949.

SEC. 7. The Secretary of Interior may from time to time designate the head of an executive department of the government of Micronesia or other person to act as High Commissioner and to exercise his powers in case of a vacancy in the office, or the disability or temporary absence of both the High Commissioner and the Deputy High Commissioner.

SEC. 8. The permanent seat of government of Micronesia shall be located within the territorial boundaries of Micronesia within one year of the effective date of this Act at a site to be determined by the President.

SEC. 9. (a) All officers and employees of the government of Micronesia shall be appointed by the High Commissioner under terms of employment prescribed by the High Commissioner, except as otherwise prescribed by this Act. When a position vacancy occurs and a citizen of Micronesia possesses the same qualifications for that position for which an American would ordinarily be employed, the Micronesian shall be given preference in filling the position.

(b) The High Commissioner, with the approval of the Secretary of Interior, is authorized to establish departments and other agencies and instrumentalities of Micronesia: *Provided*, That there shall be within the governmental structure a department of justice, the head of which shall bear the title of attorney general.

(c) In all legal proceeding to which the government of

Micronesia is a party it shall be represented by the attorney general of Micronesia, personally or by assistant, except as the High Commissioner shall otherwise determine and except that, in any proceeding under a law or treaty of the United States of general application, the Attorney General of the United States, personally or by assistant, may as he determines, represent the government of Micronesia in association with or instead of the attorney general of Micronesia and may direct the attorney general of Micronesia therein.

SEC. 10. (a) The High Commissioner, with the approval of the Secretary of Interior, and the concurrence of the legislature, shall from time to time establish such administrative political districts within Micronesia as may be appropriate.

(b) The High Commissioner shall appoint a district commissioner for each district who shall be the senior executive official within his district and who shall perform such functions within his district as the High Commissioner may direct or as may be provided under the laws of Micronesia.

BILL OF RIGHTS

SEC. 11. (a) No law shall be enacted in Micronesia respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of conscience, or of speech, or of the press, or the right of the people to form

associations and peaceably to assemble and to petition the government for a redress of grievances.

(b) Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist in Micronesia.

(c) The rights of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

(d) No person shall be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall any person be compelled in any criminal case to be a witness against himself. In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial; to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense. No crime under the laws of Micronesia shall be punishable by death.

(e) No bill of attainder, ex post facto law, or law impairing the obligations of contracts, shall be enacted.

(f) Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

(g) No law shall be enacted in Micronesia which discriminates against any person on account of race, sex, language, or religion; nor shall the equal protection of the laws be denied.

(h) Subject only to the requirements of public order and security, the inhabitants of Micronesia shall be accorded freedom of migration and movement within Micronesia.

(i) Free elementary education shall be provided throughout Micronesia.

(j) No person shall be imprisoned solely for failure to discharge a contractual obligation.

(k) The privilege of the writ of habeas corpus shall not be suspended, unless, when in cases of rebellion or invasion or imminent danger thereof, the public safety shall require it.

(l) No soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

(m) The High Commissioner and the legislative bodies constituted under this Act, by appropriate regulation or law, may restrict or forbid the acquisition of interests in real

property and in business enterprises by persons who are not citizens of Micronesia, and shall give due recognition to local customs in providing a system of law, and nothing in this Act shall be construed to deny this authority.

(n) Any person or group of persons in Micronesia shall have the unrestricted right of petition. It shall be the duty of all officers of the government of Micronesia to receive and without delay to act upon, or forward, as may be appropriate, any petitions submitted.

LEGISLATURE

SEC. 12. (a) The High Commissioner shall establish under such provisions as he shall think to be best suited to the ethnic status of each district a district congress. Such congress shall be an elected body with its membership representing as democratically as possible the representative views of all of the people within each district.

(b) The areas of authority over which the district congress may legislate shall be those which the High Commissioner or the United States Congress shall from time to time delegate to it: *Provided,* That the district congress shall not have any powers which are inconsistent with this Act.

(c) On the first day of July on the year following the effective date of this Act there shall meet at the seat of gov-

ernment of Micronesia a Legislature of Micronesia (hereinafter referred to as the legislature), which shall consist of a single house of not to exceed twenty-one members.

(d) The number of representatives from each district in the legislature shall be determined by the population of the districts sending representatives, provided that each district shall have at least one representative in the legislature. At least once each ten years the legislature shall reapportion itself so as to conform with equal population proportions throughout Micronesia in accordance with this Act.

(e) Members of the legislature shall be elected to their seats by majority vote of the district congress of the district which they represent.

(f) The legislative power of the legislature shall extend to all subjects of legislation of local application not inconsistent with this Act and the laws and treaties of the United States applicable to Micronesia. Taxes and assessments on property, internal revenues, sales, license fees, and royalties for franchises, privileges, and concessions may be imposed for purposes of the government of Micronesia.

(g) The legislature shall not appropriate any sums of money in anticipation of revenue to be received nor shall any public indebtedness be authorized.

(h) The legislature shall be the judge of the selection and qualification of its own members. It shall choose its own

officers, determine its rules and procedures, not inconsistent with this Act, and keep a journal.

(i) Regular sessions of the legislature shall be held annually for a period not to exceed sixty consecutive days, exclusive of Saturdays, Sundays, and legal holidays. Such sessions shall convene at the seat of government of Micronesia on the first Monday of July. The High Commissioner may whenever he shall think it necessary convene the legislature in special session for such period of time as he shall designate. All sessions of the legislature shall be open to the public.

(j) Every bill passed by the legislature shall, before it becomes law, be entered upon the journal and presented to the High Commissioner. If he approves it, he shall sign it and it shall thereupon become law. If he disapproves it, he shall within ten legislative days return it to the legislature with a statement of his objections for their reconsideration. If, after reconsideration two-thirds of the legislature shall agree to pass the bill, it shall become law ten days thereafter unless it is a measure which, in the opinion of the High Commissioner, is in conflict with this Act, imposes an undue burden on the government of Micronesia or its employees, or requires an unwise expenditure of funds appropriated by the United States. In such cases the High Commissioner, having so advised the legislature within said ten days, shall

transmit it to the Secretary of the Interior. If the Secretary approves the bill, he shall sign it and it shall thereupon become law. If he does not approve it, he shall return it to the High Commissioner and the legislature with a statement of his objections and it shall not become law.

If any bill presented to the High Commissioner or the Secretary contains several separable items, parts, or portions, he may object to one or more of such items, parts, or portions, while approving the remainder of the bill. In such case he shall append to the bill at the time of signing it, a statement of the items, parts, and portions, to which he objects and his reasons therefore, and they shall not take effect unless repassed, or repassed and approved, as hereinbefore provided.

All laws enacted by the legislature shall be transmitted by the High Commissioner to the Secretary and by him to the Congress of the United States which reserves the authority to annul the same.

(k) Upon the request of the legislature the Secretary of the Interior shall provide legislative counsel who shall not be an employee of the government of Micronesia.

(l) All laws passed by the legislature must apply equally and be uniform to all parts of Micronesia. Any law which fails to be so inclusive shall not be valid.

(m) All legislative powers herein delegated to the legis-

lature of Micronesia except the power to appropriate from funds raised by the legislature of Micronesia, are also hereby granted to the High Commissioner who may prescribe any law required for the government of Micronesia: *Provided*, That it is consistent with broad policies approved in advance by the Secretary of Interior. Such policies shall be made public upon or before the promulgation of laws thereunder, and the policies and laws shall be in conformity with the trusteeship agreement, with this Act and with international agreements and laws and regulations of the United States in force in Micronesia.

(n) In the event that a law passed by the legislature or the High Commissioner should conflict with a law passed by the High Commissioner or the legislature, until such time as the Congress of the United States shall provide otherwise, the law of the High Commissioner shall prevail: *Provided*, That should the legislature in two successive sessions of the legislature vote to repeal a law of the High Commissioner the law shall be repealed if the Secretary of Interior approves.

(o) The title of members of the legislature shall be "representative." The title of the presiding officer of the legislature shall be "speaker."

(p) Appropriations, except as otherwise provided by

this Act, and except such appropriations as shall be made by the Congress of the United States, shall be made by the legislature.

(q) Representatives shall receive compensation in the amount of one dollar a day for every day the legislature is in session and shall receive reimbursement for their expenses at standard rates while the legislature is in session and while traveling to and from their home districts.

JUDICIAL POWER

SEC. 13. (a) The judicial power of Micronesia shall be vested in a high court and such inferior courts as the legislature shall provide. The existing courts, their jurisdiction, the form of procedure, the various officers and employees thereof, and other provisions relating to the judiciary of Micronesia, shall continue to be as provided under regulations of the High Commissioner in force on the date of approval of this Act, except as amended by this Act, and until otherwise provided by law.

(b) The high court shall have a chief justice and two associate justices who shall be appointed by the President, by and with the advice and consent of the Senate. The chief justice and the associate justices shall each hold office for a period of eight years or until a successor is appointed and qualified, unless sooner removed by the President for cause. The chief justice and the associate justices shall re-

ceive a salary payable by the United States which shall be at the same rate as prescribed for judges of the United States district courts.

SEC. 14. In a criminal proceeding in a court of Micronesia, the prosecution shall be conducted in the name of the "Trust Territory of Micronesia". In any civil proceeding to which the government of Micronesia is a party it shall appear and be represented as the "Trust Territory of Micronesia".

SEC. 15. The United States Court of Appeals for the Ninth Circuit shall have jurisdiction of appeals from final decisions of the high court of Micronesia in all cases, civil or criminal, wherein the Constitution or a statute or treaty of the United States or any authority exercised thereunder or this Act is involved, in all other civil cases wherein the value in controversy, exclusive of interest and costs, exceeds $5,000, and in all habeas corpus proceedings.

SEC. 16. The High Commissioner shall appoint a public defender with appropriate staff, who shall serve in case of need, as counsel for defendants in criminal proceedings in Micronesia.

SEC. 17. The laws of Micronesia shall comprise—

(a) the trusteeship agreement;

(b) this Act;

(c) all existing laws and regulations in force in Micronesia on the date of enactment of this Act, except

those laws and regulations repealed or modified by this Act, or found to be otherwise inconsistent with this Act;

(d) existing treaties and other international documents in force with respect to Micronesia and treaties and international documents of the United States which affect Micronesia;

(e) further laws of the United States which are made applicable to Micronesia and further treaties and other international documents of the United States or Micronesia which are made applicable to Micronesia;

(f) enactments of the Micronesian legislature;

(g) laws and regulations prescribed by the High Commissioner;

(h) enactments of legislative bodies established under section 12 of this Act; and

(i) customary law or common law recognized in any part of Micronesia in matters in which it is applicable and to the extent that it is not in conflict with any other law or treaty of Micronesia.

CUSTOMS

SEC. 18. (a) No customs duties shall be levied upon any goods brought into Micronesia except that, if necessary in the public interest of the citizens of Micronesia, customs duties may be levied on goods without discrimination as to their

country of origin: *Provided,* That nothing in this section shall be construed so as to prohibit the participation by Micronesia in a customs union or free trade area.

(b) No customs duties shall be levied in the customs territory of the United States upon articles which are the growth, produce, or manufacture of Micronesia, except to such extent, and at such time after the date of the applicable proclamation, as the President, after taking account of the responsibilities of the United States with respect to the economy of Micronesia, shall hereafter determine and proclaim to be justified to prevent substantial injury or the threat thereof to the competitive trade of any country of the free world.

NATIONALITY AND MIGRATION

SEC. 19. All persons heretofore or hereafter born or naturalized in the territory now constituting Micronesia shall be deemed to be citizens of Micronesia, except—

(a) persons, born in the territory now constituting Micronesia prior to the effective date of this Act, who have acquired another nationality;

(b) persons, born in Micronesia on or after the effective date of this Act, who at birth shall acquire another nationality;

(c) persons, born in the territory now constituting

Micronesia, whose principal and actual dwelling place in fact has not been in Micronesia, or Guam, at any time since July 18, 1947, and the effective date of this Act;

(d) *Provided,* That nothing in this section shall deprive any person of his nationality who was born outside of Micronesia while his parents were absent temporarily.

SEC. 20. Any person born in the area now constituting Micronesia now living in the Trust Territory of Nauru and any person now living in the Trust Territory of Nauru whose parents were born in the area now constituting Micronesia, who possesses at least 50 per centum Micronesian blood, and their wife, or husband, and children shall have right to pass the borders of Micronesia and take up residence therein.

SEC. 21. The High Commissioner, with the approval of the Secretary of Interior shall prescribe regulations for entry into and residence in Micronesia. No citizen of Micronesia shall be barred from entering Micronesia. The consular services of the United States may be utilized in the implementation of these regulations without charge to the government of Micronesia.

SEC. 22. All persons legally resident for a period of five years prior to the enactment of this Act in Micronesia are citizens of Micronesia unless they should declare otherwise, except for those persons who are American citizens.

SEC. 23. The legislature may prescribe regulations under which persons who are not citizens of Micronesia may acquire Micronesian citizenship.

SEC. 24. The legislature shall prescribe regulations setting forth the conditions under which naturalized citizens of Micronesia may be divested of their citizenship.

SEC. 25. The United States, through the Department of State, shall afford diplomatic and consular services and protection to citizens of Micronesia traveling outside of Micronesia in countries other than the United States.

ADMINISTRATION

SEC. 26. All officers and employees of the government of Micronesia, other than those whose salaries are specified in this Act, shall receive salaries in amounts to be fixed by the High Commissioner: *Provided,* That appointments and promotions shall be on a merit basis: *Provided further,* That American citizens shall be employed as Federal employees in accordance with applicable Federal laws and shall be entitled as Federal employees to all the rights, benefits, and obligations provided under such laws. In no case shall the salary of a judicial officer be reduced while he is in office.

SEC. 27. All officers and employees of the government of Micronesia shall, if their homes be outside of Micronesia, be entitled to transportation at the expense of the United States for themselves, their immediate families and household

effects, from their homes to their duty stations upon appointment and from their duty stations to their homes upon completion of their duties: *Provided,* That if the period of service has been less than two years, the furnishing of return transportation shall be at the sole discretion of the Secretary of Interior unless the officer or employee was separated for reasons beyond his control, in which case return transportation shall be mandatory. American civil service employees shall accrue leave in accordance with the Leave Act of the United States and shall be entitled to accrue leave up to a maximum of ninety workdays and once each two years shall be entitled to transportation for themselves and immediate families from their duty station to their homes and return. For purposes of transportation to their homes and return, they shall be allowed travel time not to exceed thirty days without charge to accrued annual leave and during such travel time they shall be paid their salaries as prescribed by this Act and the laws of Micronesia. Every additional two years that an employee serves with the Micronesian government, he shall be entitled to transport not to exceed one thousand pounds of additional household effects from his home to his duty station. During his term of duty in Micronesia or Guam the American employees shall each be entitled to receive appropriate quarters to be furnished by the United States at established rentals. In no instance is the govern-

ment of Micronesia to furnish housing to Micronesian employees living in the district of their origins: *Provided*, That the quartering of proctors in school dormitories shall be authorized.

SEC. 28. All persons holding office in the Trust Territory of the Pacific Islands on the date of enactment of this Act may continue to hold their respective offices until their successors are appointed and qualified as employees of the Trust Territory of Micronesia.

SEC. 29. The General Accounting Office shall examine the financial transactions of the government of Micronesia annually and shall submit a report of its findings and recommentations to the Congress.

SEC. 30. The legal tender of Micronesia shall be the coins and currencies of the United States. However, no restriction shall be made on the use of local forms of barter and exchange in transactions among citizens of Micronesia.

SEC. 31. (a) The United States will provide postal service. The Postmaster General is authorized to take such steps as are necesssary to provide such service within Micronesia.

(b) The Postmaster General shall cause to have printed a Micronesian stamp which shall be sold only within Micronesia, the proceeds from the sale thereof shall be paid into the treasury of Micronesia: *Provided*, That nothing in this

section shall be construed to prohibit the sale and use of United States postage in Micronesia.

SEC. 32. The President shall have authority to designate part of Micronesia as reservations of the Department of Defense, Department of Treasury, or other Federal agencies. The President shall have authority to specify parts or all of the trust territory as closed for security reasons and to determine the extent to which the provisions of articles 87 and 88 of the Charter of the United Nations shall be applicable to such closed areas, in accordance with article 13 of the trusteeship agreement.

SEC. 33. The High Commissioner shall submit to the Secretary of Interior an annual report on the Trust Territory of Micronesia and copies of such report shall be transmitted by the Secretary of Interior to the President and the Congress. The Secretary of Interior in collaboration with the Secretary of State shall be responsible for preparing the annual report to the United Nations.

LAND

SEC. 34. (a) The title or interest to all real property in Micronesia which is held by the United States, directly or indirectly, shall pass to the government of Micronesia ninety days after the date of enactment of this Act, except with respect to such real property as the President may reserve within such ninety days.

(b) Any real property which the United States has reserved which ceases to be needed for Federal purposes may, at the request of the Secretary of Interior, be transferred to the government of Micronesia without reimbursement.

(c) At the beginning of each fiscal year hereafter, each agency of the United States holding reserved property in Micronesia shall submit to the President a report stating what property is being held and showing justification for the continued reservation for such property. Any property which in the President's opinion should no longer be reserved, shall be turned over to the government of Micronesia without reimbursement.

(d) Lands succeeding to the government of Micronesia through preceding governments of the area, shall constitute the public domain.

(e) The government of Micronesia shall take such steps necessary to grant and record titles to real property in Micronesia.

(f) No person not a citizen of Micronesia shall be permitted to hold title to property in Micronesia: *Provided*, That nothing in this section shall be construed to divest any person of the right to hold title in property which he now owns in Micronesia or to will title in property which he now holds in Micronesia.

(g) Hereditary claims to lands considered to be of the public domain shall not be valid if the land has been alienated prior to the Japanese administration of the area.

MISCELLANEOUS

SEC. 35. There is hereby authorized to be appropriated annually by the Congress of the United States such sums as may be necessary and appropriate to carry out the provisions and purposes of this Act but not to exceed $20,000,000 in any one year.

SEC. 36. Unless otherwise ordered by the President, the administration of those parts of the Marianna Islands now administered by the Navy shall be taken over by the government of Micronesia within six months after the effective date of this Act.

SEC. 37. This Act shall become effective on the 4th day of July in the year next following its passage.

87TH CONGRESS
1ST SESSION

H. R. 9278

A BILL

To provide a government for the Trust Territory of Micronesia, and for other purposes.

By Mr. KYL

SEPTEMBER 18, 1961
Referred to the Committee on Interior and Insular Affairs

APPENDIX N

Statement by Mr. Anson Amaraich, Adviser, in the Trusteeship Council on Conditions in the Trust Territory of the Pacific Islands*

. . . . . .

Mr. President:

It is indeed a great honor for me to be one of the few Micronesians to have the opportunity to obtain first-hand knowledge and information on the function of the Trusteeship Council. I consider this the most significant event in my career as an employee of the Trust Territory Government under the Administration of the United States. Not only because it enables me to convey to the Council warm greetings from the people of the Trust Territory, but also because I am certain that the experience gained from my visit will be of great value to me, to the Administering Authority and to the people of the Trust Territory.

I am most grateful to the government of the Trust Territory and that of the United States for this opportunity to serve as an adviser to the United States delegation at this meeting. My knowledge and experience concerning the Trust Territory is limited in the sense that my present position as District Public Defender for the Truk District limits my activities to that district. However, on several occasions in the past for a period of at least six months each, I was placed in administrative charge of the Office of the Trust Territory Public Defender and in this capacity I was able to travel to most of the districts. During this travel, I gained experience which will be helpful in my capacity as an adviser to the United States delegation.

I am pleased to inform this Council that the people of the Trust Territory are aware of the purposes of the United Nations. They look up to the United Nations not merely as an organization in which people from different parts of the world meet together and discuss world problems, but as the only body through which world peace and security may be maintained.

One evidence of the awareness of the people of the importance of the United Nations and this Trusteeship Council can be seen through the acts of the district congresses and municipal councils in appropriating money for the celebration of United Nations every year.

H. R. 6270

A BILL

We celebrate United Nations Day in the Trust Territory not because it is a custom for us to do so but because we know that the United Nations is the only organization in which our hope for peace and happiness can be placed.

During my visit to the districts of the Trust Territory, I was greatly impressed and gratified in viewing the efforts and interest that people are showing in the management of their own affairs. In Ponape, for example, I had the opportunity to observe the Ponape District Congress in session. Its president, Mr. Bethwel Henry, who two years ago came before this Council, is a young man. He presided over the Congress and addressed its members, most of whom are much older than he. This is very important because it shows that the older people are demonstrating confidence in the ability of the younger generation who will determine the future of the Trust Territory. This is one of the reasons why the people of the Trust Territory through their district congresses and other private organizations are taking an active part in the promotion of education in the Trust Territory. They have come to realize that education is the key to the door of successful living.

One very important step undertaken by our district congresses in the development of education is the inservice education program initiated last year. Mr. Wakuyama, who served as an adviser last year, and for whose ability I have great respect, presented information on this program to this Council. However, certain developments have taken place during the year under review and I should like to inform the Council of them.

During the summer of 1961, about 25 young men from Palau and Truk were awarded scholarships by their respective congresses for special study at the College of Guam. This program was established on an experimental basis to determine whether a program of this kind could be expanded and made a part of the overall education program for the Trust Territory. This program was successful, and this year we are going to have fifty young men from all over the Trust Territory at the College of Guam taking special courses during the summer. These young men already hold important positions with the Trust Territory Government.

The desire of the people to obtain higher education is demonstrated not only through the efforts of the district congresses but also through individual efforts. Besides those who are under regular scholarships awarded by district congresses and the Trust Territory Government, there are about 150 students attending the high schools and the college on Guam this year under the sponsorship program. During the next school year the number of Trust Territory students on Guam is expected to increase. Young people in Micronesia want more education.

In the past few years the people of Micronesia have expressed their concern over the fact that a very large number of the school population could not go any higher than the sixth grade level in the Territory due to the fact that enrollment at the Intermediate Schools is limited and the Pacific Islands Central School which is the highest institution of learning in the Trust Territory could not accommodate all of the Intermediate School graduates. The people feel that stopping the educational progress of a child at the sixth grade level is like giving a child half of the meal which he needs very badly to satisfy his hunger but is beyond his ability to obtain. This should not in any way be interpreted as a criticism of the Trust Territory Government but as an expression of the people's desire to send their children to school. This is very important to note because, as I understnad it, during the Japanese Administration, because of family attachment, parents were very reluctant to send their children to school. Today this is not the case.

Another significant change in the attitude of parents toward education was also noted during my visit to the Marshall Islands District last month. During this visit I was impressed to find a group of young girls of 17-20 years of age living together in a dormitory under a set of rules which they themselves had created. They are the students of the Dental Nursing School. With the exception of Rota and Saipan, all the districts are represented in this school and it was most gratifying to know that with the exception of those from the Marshalls, these girls left their homes and travelled from one corner of the Trust Territory to the other for the purpose of obtaining training which will benefit those who may fall under their care as dental nurses. In another corner of the Trust Territory -- the Palau District -- another group of young girls, the students of the Nursing School are struggling for the same purpose.

By reading the verbatim records of the 1961 meeting of this Council relative to political development in the Trust Territory, I noted with great interest and appreciation the emphasis placed by members of the Council on the importance of developing the Trust Territory to the extent where it may become politically independent. At this stage of development, I feel that it is still premature to judge when and to what extent the Trust Territory can be independent. But there is one thing definite about the Trust Territory and that is, it is progressing toward a more sound political unit.

One of the most significant political achievements in the Trust Territory took place last year when the sixth annual conference of the Inter-District Advisory Committee to the High Commissioner met and its members voted to change the name of the committee to that of "Council of Micronesia" and elected for the first time a

Micronesian to be its president. This clearly indicates that these dedicated people who made up the Advisory Committee, and there are many more dedicated people in the Trust Territory, are willing to accept greater responsibilities and to dedicate their services to sharing with the Administering Authority the burden of developing the Trust Territory. I am certain that the Council of Micronesia, with the assistance of the Administering Authority, will soon become an effective Territory-wide legislative body which will determine the future of the Trust Territory.

If I may express my personal opinion with respect to granting independence to the Trust Territory, I have this to say. The people of the Trust Territory should not act like a child who asks his father to give him something just because he knows that his elder brother has been given the same thing. Likewise, the United Nations should not act like the father who, after giving something to his older child, feels that he must also give the same thing to his younger child at the same time just for the sake of pleasing both of them.

The Trust Territory is still in the stage of growth and development and the people are aware of this. They are also aware that the success of any government can only be attained through the dedicated efforts of its people. It is on this basis that we are proceeding. I am pleased to report that in their correspondence with each other, district congressmen are saying: "United we stand, divided we fall." Unfortunately, however, the Trust Territory was made the way it is and is therefore handicapped in many respects. First, the islands are scattered over a vast expanse of ocean as large in size as the continental United States and there is the great problem of transportation which hinders many of our programs. It is difficult to achieve political unity without first having put the people into closer and constant contact with each other so that mutual understanding of problems can be reached. Second, there are the differences in languages which make it necessary for the people to communicate through an interpreter which is often embarrassing and ineffective in conveying one's idea to the administration personnel or to the people from another district. Last but not the least in importance, is the problem of meeting the financial needs of the territory due to limited budgets. At present these problems are still beyond the ability of the people themselves to solve and we are thankful to the Administering Authority for the effort it has made toward their solution.

Encouraging changes in our social life are taking place. Not too long ago, the people of the Trust Territory were very superstitious in many ways. They were reluctant to accept modern medicine. Sanitation meant almost nothing to them. Today the people have come to realize that they were wrong in this attitude. They are now demanding more doctors, more nurses and sanitation

workers. In many instances, because of budgetary reasons and length of time needed for training, the Trust Territory can not always meet these demands for more experienced personnel in the public health field. In an effort to meet this demand, the Public Health Department established a Territory-wide program for training midwives, sanitation workers and food handlers. Most of these personnel are paid by their local government. Further improvement is also made in this field through the inservice training on Guam for medical officers, dental officers and nurses.

The formation of small but worthwhile business enterprises plays an important part in our economic development program. The Faichuk Copra and Cocoa Producers Association which came into being in the Truk District through the effort of the people themselves and with the assistance of the Trust Territory Government, the chartering of the Trukese Government Employees Credit Union and the Housing Co-operative in Ponape are excellent examples. To further the growth of these and many other private enterprises, the Trust Territory Government has employed co-operative officers and economic advisers.

On the basis of these and other achievements, we may conclude that the Trust Territory has a good chance to attain the goal of the Trusteeship system. We shall continue to do our part in the development of our islands but your assistance and guidance is needed. We have had our failures in the past but we are not afraid to admit such failures knowing that it is by trial and error that men can and have made great accomplishments.

In conclusion, I wish to reiterate that I am deeply grateful for this opportunity to appear before this Council and express the appreciation of the people of the Trust Territory for whose welfare this body is concerned. On behalf of the people of the Trust Territory I wish to acknowledge our indebtedness to the Administering Authority for its continuous efforts in making the Trust Territory a better place in which to live. I shall look forward to meeting some of the members of this body during the next Visiting Mission visit to the Trust Territory. I can assure you that the people of the Trust Territory are also looking forward to your visit. On behalf of the people of my country, I wish you a successful meeting and everlasting success in the maintenance of happiness, peace and security for the people who believe in and respect the integrity and wisdom of this organization.

*U. S. Mission to the United Nations, Press Release No. 4002, June 5, 1962.

APPENDIX S

Public Law 87-541

Public Law 87-541
87th Congress, S. 2775
July 19, 1962

An Act

To amend the Act of June 30, 1954, providing for a continuance of civil government for the Trust Territory of the Pacific Islands.

Trust Territory of the Pacific Islands.
48 USC 1681 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the appropriation authorization in section 2 of the Act of June 30, 1954 (68 Stat. 330), is hereby amended by increasing it from $7,500,000 to $17,500,000: *Provided*, That not more than $15,000,000 is authorized to be appropriated for the fiscal year 1963.

Approved July 19, 1962.

GPO 85139

APPENDIX T

Map of the Trust Territory of the Pacific Islands

APPENDIX I

Map of the Trust Territory of the Pacific Islands

TRUST TERRITORY
of the
PACIFIC ISLANDS
NORTHERN MARIANA, CAROLINE, AND MARSHALL ISLANDS

POPULATION 77 913

NORTHERN MARIANA ISLANDS
(SAIPAN DISTRICT)
Pop 8 [illegible]

MARSHALL ISLANDS
(MARSHALL IS DISTRICT)

(YAP DISTRICT)

WESTERN CAROLINE ISLANDS
PALAU DISTRICT)
Pop 7 [illegible]

(PONAPE DISTRICT)
Pop 16 431

(TRUK DISTRICT)
Pop 21 [illegible]

EASTERN CAROLINE ISLANDS

Broken lines indicate territorial area and districts of jurisdiction and are not to be interpreted as boun

Map reproduced from: Fourteenth Annual Report to the United Nations on the Administration of the Trust Territory of the Pacific Islands July 1, 1960 to June 30, 1961, facing p. 218

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